

DOWNTOWN SPECIFIC PLAN ADDENDUM

(October 8, 2009)

A Public Review Draft of the Downtown Specific Plan was published in July 2008, and that document constituted the “proposed project” for the purpose of preparing the Draft Master Environmental Impact Report (DMEIR).

Since July 2008, further city and public input, environmental review, and certain changes such as cessation of the Architectural Review Board and voter approval of Measure A exempting 500 downtown units from the RDCS have taken place. Additionally, the City Council determined to study a number of possible General Plan Circulation Network and LOS Policy Amendments through a proposed Circulation Element Amendment, and an Environmental Impact Report (EIR) and separate process is underway for the purpose of making circulation and LOS decisions, including possible changes affecting Downtown. While the Downtown Specific Plan Master EIR presents information about the possible impacts of such possible circulation network and LOS policy amendments because the changes are reasonably foreseeable, it is important to emphasize that actual decisions about circulation and LOS amendments, including the possibility of narrowing Monterey Road to 2 lanes and exempting the downtown core from the LOS policy standard, will be made through the General Plan Circulation Element Amendment process.

Additionally, economic, housing and financial conditions are now such that the projected redevelopment of Block 20 may be delayed. The Specific Plan proposed land use amendments from the existing Commercial over the whole block, to Mixed Use/CC-R over the east portion of the block and Multi-Family Medium/D-R3 over the west portion of the block. A change to the Plan is to add a zoning overlay to the Multi-Family Medium portion, to allow for use of a Commercial Administrative Use Permit Process for Block 20, so that commercial use could continue to occur in the interim before redevelopment of the block is feasible.

It is therefore desirable to identify certain text changes that will be incorporated into the version of the Downtown Specific Plan that is proposed for adoption by the City Council in November 2009. The modifications are not of a nature that would trigger additional CEQA review. This Addendum document identifies each of those changes, by Chapter and page.

THROUGHOUT THE DOWNTOWN SPECIFIC PLAN: Remove references to the Architectural Review Board, substituting references to the need for a Design Permit, or other similar text as appropriate.

Chapter 1: Vision

Page 1-4: After the third paragraph, insert the following new paragraph:

In May 2009, voters approved another ballot measure which provides an exemption from the RDCS for 500 housing units located in the 20-block area of the Downtown.

Chapter 2: Land Uses and Development Standards

Page 2-1: Note that once the Specific Plan is adopted, the words “proposed” will be deleted or modified as appropriate.

Page 2-1: Modify the first sentence of the fourth paragraph to read as follows:

Morgan Hill voters approved a ballot measure in May 2009 modifying the Residential Development Control System (RDCS) to better accommodate Downtown development, by providing an exemption for 500 housing units located in the 20-block Downtown area.

Page 2-1: Modify the end of the last sentence of the fourth paragraph to read as follows:

..., the approved modification of the RDCS to allow for 500 Downtown housing units to the year 2020 to be exempt from the RDCS and its competition requirement, will assist with attaining the community's vision for Downtown.

Page 2-3: Modify Figure 4 to change the proposed Land Use Designation for Block 16, the VTA/RDA-owned Caltrain parking lot site, to "CBD Mixed Use (no mix/no max du/ac)"

[NOTE THAT THIS CHANGE WAS IDENTIFIED AS AN ALTERNATIVE IN THE MASTER EIR]

Page 2-4: Modify Figure 5 to change the proposed Land Use Designation for Block 16, the VTA/RDA-owned Caltrain parking lot site, to "CBD Central Business District, no min/no max du/ac".

[NOTE THAT THIS CHANGE WAS IDENTIFIED AS AN ALTERNATIVE IN THE MASTER EIR]

Page 2-5: Delete the Policy bullet #7 regarding the RDCS.

Page 2-6: Delete the Policy bullet #12 regarding the RDCS.

Page 2-8: Add an additional paragraph to section 10:

In particular, the property owners, business owners and Morgan Hill Redevelopment Agency are strongly encouraged to pursue as priority projects the redevelopment of the two existing banks at the southwest and southeast corners of Main Avenue and Monterey Road, in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

Page 2-11: In the second paragraph, revise the language regarding Block 20 to read as follows:

Block 20 (outside of the Specific Plan boundary) was initially projected to redevelop by 2015, but due to 2008/2009 Recession conditions, it was determined that the Master EIR Traffic Study would assume continued commercial use of the block, in order to present "worst case" traffic conditions. The previously projected 82 new residential units for this block were shifted for the purpose of the Traffic Study to Block 16, the Caltrain parking lot site. However, redevelopment of Block 20 in the manner proposed by the Specific Plan, to Multi-family Medium/R-3 west of the SCVWD ROW and Mixed Use/CC-R east of the ROW remains a land use goal for Block 20. A "Commercial Use Overlay" is therefore proposed to be added to the Multi-Family Medium parcels, to allow for use of a Commercial Administrative Use Permit Process for Block 20, so that commercial use could continue to occur in the interim before redevelopment of the block is feasible.

Page 2-14: In the sixth paragraph, revise the end of the sentence to read as follows:

... , and 495 of the 500 exempt housing units provided by the May 2009 ballot measure approved by the voters, for a total of 850 units.

Page 2-16: Modify the text of the “development assumptions by block” as follows:

Block 1: Add additional paragraph:

This block contains an existing bank located at the southeast corner of Main Avenue and Monterey Road. The property owner and the Redevelopment Agency are encouraged to work together to redevelop the site in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

Block 2: Revise the third sentence to read as follows:

Redevelopment of this block may incorporate a remodeled or new Granada Theater for a cinema or entertainment use, however the Specific Plan does not require this, and a cinema on an alternate downtown site is acceptable. Under any scenario, however, it is a goal of the Specific Plan that the existing Granada upright sign and marquee be retained in the downtown, associated with a cinema or entertainment use.

Block 3: Add to the end of the discussion of Block 3:

Relocation of the Granada Theater sign and marquee to the Monterey Road frontage of this block would be a suitable redevelopment project, for a new cinema or entertainment use if the existing Granada Theater site is used for other purposes.

Page 2-17:

Block 4: Delete the last sentence of Block 4 text (word processing error).

Block 6: Add to the end of the discussion of Block 6:

The Specific Plan identifies a preferred future project consisting of re-routing Depot Street through the CCC parking lot, in order to create an intersection with Church Street at the signal. This allows Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project (undercrossing of RR tracks) occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan uses.

Block 7: Delete the third sentence of Block 7 text (word processing error).

Page 2-18:

Block 9: Add additional paragraph:

The property owners and the Redevelopment Agency are encouraged to work together to redevelop the office building site and/or the existing bank site at the southwest corner of Main/Monterey in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

It is also desirable on this block to pursue a continuous parking lot from Main Avenue through to First Street, behind the Monterey frontage buildings.

Block 12: Correct to remove "VTA" and substitute "RDA". Insert as the second sentence: This block contains the "Nob Hill" geographic feature, which has the large-lot residential designation given the hillside topography.

Block 15: Add to the end of the paragraph:

The Redevelopment Agency is providing assistance so that the existing concrete batch plant will be relocated from this site to a more suitable site outside of the **Downtown area**.

Page 2-19:

Block 16: Delete the existing paragraph and substitute the following paragraph:

This block has a CBD Mixed Use (General Plan) and CBD Central Business District (zoning), with no maximum density. Redevelopment of the surface parking lot offers the potential for a transit-oriented development with high density residential units. Offices could also be appropriate in a mixed use project. Redevelopment of this block assumes the retention of the Caltrain parking spaces, but the spaces may be provided in a structure on the site or nearby. The level of projected development assumed in the EIR Traffic Study included 268 residential housing units and the parking spaces. If other uses beyond residential and parking are considered for this block, the preference would be for offices and not retail use, in order to encourage retail uses to locate within the 14-block Downtown Core.

Block 17: Revise the text to note April 2009 timeframe that the Courthouse did open.

Block 18: Add text to end of paragraph: "This block has 80 residential allocations in place".

Block 20: Add text to end of discussion: However, due to 2008/2009 Recession conditions, it was determined that the Master EIR Traffic Study would assume continued commercial use of the block, in order to present "worst case" traffic conditions. The previously projected 82 new residential units for this block were shifted for the purpose of the Traffic Study to Block 16, the Caltrain parking lot site.

Page 2-20: At the end of the first paragraph, add the following text to the end of the second-to-last paragraph: "..., the parcel numbers not included are APN 767-07-027, -028, and -029."

Page 2-20: Delete the existing three paragraphs under Residential Development Control System (RDSCS). Instead, substitute the following text:

Morgan Hill voters approved a ballot measure in May 2009 to exempt 500 residential units from the RDSCS process within the Downtown area (Blocks 1 – 20), within the city's current RDSCS population cap of 48,000 persons in the year 2020. The 500 units represents an average of 45 units per year. Under the exemption, residential and mixed use development in Downtown that

are consistent with the Specific Plan will need only to secure a Design Permit and Building Permit, with some uses also requiring a Conditional Use Permit or DAUP. If a project proposes a change to the Specific Plan development standards, a Planned Development zoning designation would be required, but the residential units would still be exempt from the RDCS.

Page 2-22: Modify Figure 8 to add parking use and modify permit status for nightclubs, bars and theaters, whether ancillary or not to a restaurant, to require a conditional use permit:

Figure 8 – Permitted Uses within the Specific Plan Boundary:

	CBD	GFO	D-PF	D-R2, D-R3, D-R4	D-RE
Nightclub, bar (<i>ancillary to restaurant</i>)	C	C	N	N	N
Nightclub, bar, theater (<i>not ancillary to restaurant</i>)	C	C	N	N	N
Public Parking Lots or Structures	P	C	P	C	N

Page 2-23: After the Table of Permitted Uses, add the following text:

Requirement for Air Quality and Transportation Demand Management Plan (AQ-TDM Plan)

1. As part of the Design Permit process, all projects subject to the Design Review requirements shall submit a proposed Air Quality and Transportation Demand Management Plan (AQ-TDM Plan) for review and action by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the design permit process, such as the following, to reduce air quality impacts:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Allow only natural gas fireplaces. No wood burning devices would be allowed.
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Provide showers and lockers for employees bicycling or walking to work.
- Provide transit information kiosks and bicycle parking at commercial facilities.
- Provide secure and conveniently located bicycle parking and storage for workers and patrons.

2. Public parking lots constructed or assisted by the City or Redevelopment Agency of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities:

- Electric vehicle charging facilities.
- Preferential parking for Low Emission Vehicles (LEVs).

Pages 2-24 through 2-26: Changes to Central Business District (CBD):

- Add text to reflect Block 16 also designated for CBD Central Business District.

- Modify second “Purpose of the CBD District” bullet to read as follows: “support traditional architectural styles and features, while also allowing for design creativity and use of contemporary materials in a manner found to be compatible with the Downtown vision and character”.
 - Correct the Parking Requirements for consistency with the Parking Strategy recommendations, and add opportunity to approve exceptions to usual parking design:
 - Retail*: 2.8 spaces per 1,000 square feet
 - Office*: 4.0 spaces per 1,000 square feet
 - Residential*:
 - 1.0 space per unit (600 or fewer square feet in unit)
 - 1.5 spaces per unit (> 600 to 1,350 square feet in unit)
 - 2.0 spaces per unit (> 1,350 square feet in unit)
- * parking requirements based on all new and redeveloped square footage or dwelling units*
- In the CBD, exceptions to parking design requirements of Chapter 18.50: Off-street Parking and Paving Standards, may be approved through the Design Permit process

Page 2-24: Under “Development Standards”, change the minimum Lot Depth standard from 75 to 80 feet.

Page 2-26: Clarify public noticing requirements and Design Permit decision-making authority, by adding the following language to the end of the “Additional Required Permits and Conditions”:

Noticed Public Hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director.

Page 2-29: In the second bullet, second paragraph, change the word “from” to “before”.

Page 2-31, 2-32 and 2-34: Revise the “manufactured homes” statement to read: “All manufactured homes are subject to Design Permit approval.”

Page 2-35: Modify D-PF Development Standards parking requirements to read:

Parking requirements: Parking spaces shall be provided in the amount as specified in Chapter 18.50: Off-street Parking and Paving Standards. In the D-PF Downtown Public Facilities District, exceptions to parking design requirements of Chapter 18.50 may be approved through the Design Permit process.

Chapter 3: Multi-Modal Circulation and Streetscapes

Page 3-1: Revise second sentence to read as follows:

Streetscape improvements for the Third Street Plaza and Promenade project will be complete by January 2010.

Page 3-3: Revise the "Monterey Road Narrowing" discussion, by deleting the existing first two paragraphs and substituting the following language:

The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan.

Page 3-3: Revise the remainder of the "Monterey Road Narrowing" discussion, by deleting the last two paragraphs.

Page 3-4: Under "4, Median Landscaping and Tree Lighting", delete the 3rd & 4th sentences.

Page 3-6: Delete the second paragraph under "Depot Street" and substitute the following text:

The City of Morgan Hill has studied a possible Circulation Element Amendment to change the current plan to close Depot Street when the planned Dunne/UPRR grade separation (undercrossing) project occurs, so that Depot Street can remain connected to Dunne Avenue. Depot Street offers an important alternate north-south travel route within the downtown, and provides access to public parking lots located on Depot Street. This Downtown Specific Plan will accommodate any decision that may be made regarding Depot Street; however, the preferred option would be a plan to re-route Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses.

Page 3-7: In the first paragraph of the "Pedestrian-Friendly, Multi-Modal Circulation" section:

Delete the following sentence: "Improvements along Monterey Road, including those discussed above, should be given a high priority for circulation and streetscape improvements, but narrowing to two lanes is not likely to occur until after 2015."

Substitute the following sentence: "Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or a possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road."

Page 3-8: Add a new paragraph to the end of this section:

"As a good practice measure to support pedestrian safety and promote safe vehicular travel, the City of Morgan Hill should carry out regular monitoring of the unsignalized intersections in the Downtown area, especially those at Monterey/Fifth, Monterey/Fourth, and Monterey/Central, to evaluate the possibility of restricting cross traffic movements or implementing other restrictions supportive of safe travel downtown."

Page 3-8 & 3-9: Modify first paragraph to reflect the completion of the Courthouse Plaza, and replace the picture on page 3-9 with a photograph of the actual completed project.

Page 3-13: Update the second sentence text to replace the word "preferred" with the word "adopted", and to delete "(with bike sharrows in each lane)". Update the third sentence to replace the word "would be encouraged" with "have been designed to encourage". Update the fourth sentence to delete "is also to incorporate" and replace with "also incorporates". Replace Figure 14, the Conceptual East Third Street Design Parameters, with the actual final plan diagram.

Chapter 4: Parking Resources Management Strategy

Page 4-1: At end of third paragraph, change "934" to "808" (correction of typo).

Page 4-7: In last paragraph, fourth line from the end, delete the word "developed" and substitute the word "implemented".

Chapter 5: Design Guidelines

Page 5-2: Clarify public noticing requirements and Design Permit decision-making authority, by deleting the words "The Architectural Review Board has authority to approve Design Permits, and", and then add the following language to the end of the "Site Review Design Permit Process and Requirements":

Noticed Public Hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff in accordance with Chapter 18.74, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director (minor projects may be approved by staff).

Page 5-7: In DG-A17, use the word "significance" instead of "importance".

Page 5-13: In DG-B14, delete the last two bullets and instead include the following:

- Projects located on parcels adjacent to the railroad shall comply with the noise and vibration mitigation measures contained in the Mitigation Measures section of Chapter 8, Implementation.

Page 5-14: In DG-C3, change the number of feet that porches are allowed to encroach into a residential front setback from "5" to "7".

Page 5-15: In DG-D1, insert the words "Third Street" before "frontages" at end.

Page 5-15: In DG-D2, add the words "unless a Planned Development rezoning is approved" to the end of the first sentence.

Page 5-25: In DG-M9, add a fourth bullet:

- Tree grates and tree staking should be inspected annually and adjusted as necessary to maintain the health of the tree.

Chapter 6: Signage Guidelines

Page 6-1: Remove the parenthetical statement after Monument Signs. Add a bullet to end of list under SG-A1:

- Governmental Signs (such as for the Community and Cultural Center)

Page 6-13: Add a "K. Governmental Signs SG-K1. Allow flexibility for Governmental Signs. Governmental Signs shall be designed in a manner that best carries out the purpose of the governmental building or facility.

Page 6-14: Add new language:

Permit Requirements: All signage within the Downtown Specific Plan area requires a Sign Permit. Applications shall include plans, drawings and other descriptive materials sufficient to depict the sign proposal, as well as all other proposed or existing signage on the same property, to enable evaluation of the proposal's substantial conformance with these Signage Guidelines. Applications for sign permits are subject to review and action by the Community Development Director, who shall find that the signage substantially conforms to these Signage Guidelines and applicable provisions of the Morgan Hill Municipal Code.

The provisions of Morgan Hill Municipal Code section 18.76.260 shall remain in effect, however the term "Downtown Design Plan" shall be replaced with "Downtown Specific Plan", and references to "CC-R central commercial/residential mixed use" shall be replaced with "CBD Central Business District".

Page 6-10: In SG-G3, in fifth line delete "listing" and use "lighting".

Chapter 7: Infrastructure

Page 7-2: Delete the second paragraph and substitute the following paragraph:

Monterey Road runs north-south and is the main street in Downtown. Through Downtown, it currently has four lanes with on-street parallel parking. The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals

of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

Page 7-2: In the last paragraph under "Existing Roadways", modify the discussion of Depot Street in the last sentence, to remove the word "existing" and inserting after the word "Dunne" the following the words "by re-routing Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal to create an intersection", so that Depot remains a parallel north-south route in Downtown.

Page 7-2: Delete the first bullet under "Existing Transit Service" to reflect the elimination of bus route 15.

Page 7-3: Delete the second paragraph and substitute the following paragraph:

This UPRR/Caltrain rail corridor has also been identified as the possible location for accommodating the through route of the California High Speed Rail (HSR) Project. Conceptual plans call for an elevated track within the UPRR right of way, with no station planned for Morgan Hill. California voters approved some funding toward High Speed Rail in November 2008, and the federal government has also identified funding that may be awarded to California High Speed Rail. The City of Morgan Hill has expressed a strong preference for a US 101 corridor alignment for the segment of High Speed Rail through Morgan Hill (possibly with a station) rather than having HSR within or near the UPRR corridor in the downtown area, as an elevated HSR would be visually intrusive and impede the Specific Plan goals for the 20-block Downtown, in terms of unifying the blocks into a cohesive downtown.

Page 7-3: Delete the second, third and fourth paragraphs under "Transportation Projects and Improvements", and substitute the following paragraphs:

Monterey Road: The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

Depot Street: The City of Morgan Hill has studied a possible Circulation Element Amendment to change the current plan to close Depot Street when the planned Dunne/UPRR grade separation

(undercrossing) project occurs, so that Depot Street can remain connected to Dunne Avenue. Depot Street offers an important alternate north-south travel route within the downtown, and provides access to public parking lots located on Depot Street. This Downtown Specific Plan will accommodate any decision that may be made regarding Depot Street; however, the preferred option would be a plan to re-route Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses.

In the future, signalization of the Depot/Main intersection will be necessary. In planning for installation of the traffic signal, it will be necessary to carefully coordinate signal timing, given the at-grade UPRR road crossing and proximity of other signals at Main/Monterey and Main/Butterfield. The Morgan Hill Redevelopment Agency should pay for installation of the signal when warranted by traffic levels, and should also pursue extending Depot Street north of Main, and then curving to connect with McGlaughlin Drive, to establish a route to/from Central Avenue.

VTa Bus Route and Monterey Road: The City of Morgan Hill and the Santa Clara Valley Transportation Authority should continue to work together to improve the pedestrian and transit environment along Monterey Road. Locating attractive bus stops at appropriate locations adequately separated from outdoor dining areas, and using “bulb outs” to provide plaza areas and comfortable pedestrian crossing distances, is encouraged. Upgrading the bus stops with attractive custom shelters, signage, paving treatments, lighting and other amenities would ensure that transit helps in improving the downtown. A key objective for the City of Morgan Hill will be to ensure appropriate locations for the bus stops serving downtown, such as not directly in front of outdoor dining areas.

Page 7-6: Modify the paragraph at the top of the second column to read as follows:

Upper West Little Llagas Creek winds through the Downtown area. The PL 566 flood control project offers the opportunity to incorporate a trail along Upper Llagas Creek as part of flood control improvement. This trail would provide pedestrians and bicyclists access from Downtown to areas north and south along the creek. The flood control project will be comprised of open channels in the downtown area, however the locations where the creek now runs under Monterey Road and under the shopping center on Block 20 (SW corner Dunne/Monterey) will likely continue to run through a below-ground box culvert. However, project design and other property redevelopment efforts should explore the feasibility of “daylighting” the creek and offering a continuous trail alongside of the flood control project.

Chapter 8: Implementation and Plan for Investment

Page 8-4: In the right column, add bullet and title in front of the second paragraph, and revise the second paragraph to read as follows:

- **Business Relocation and Site Redevelopment:** The Agency may also provide assistance to certain businesses deemed to be incompatible uses in Downtown, or to certain sites/uses that impede achievement of the community’s vision for downtown. For

example, the Agency is providing assistance to facilitate relocation of the concrete batch plant from Block 15 to a block outside of the downtown area. In the future, the property owners, business owners and Morgan Hill Redevelopment Agency are strongly encouraged to pursue as priority projects the redevelopment of the two existing banks at the southwest and southeast corners of Main Avenue and Monterey Road, in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

Page 8-6: Add additional bullets to end of list:

- degree to which it contributes to a critical mass of retail uses
- degree to which is contributes to the desired downtown sense of place

Page 8-7: Add a second paragraph to the end of #1: "To comply with a mitigation measure in the DTSP Master EIR, the City of Morgan Hill shall create a land use and parking database for the downtown area and shall document the demand for parking from retail/service and office development (non-residential land uses) and changes in parking supply, through the preparation of a monitoring report submitted to the City Council every two years to ensure planning, regulatory and construction measures are undertaken to provide adequate parking supply as development and redevelopment occurs in the 14-block Downtown Core area."

Page 8-7: In #2 regarding Third Street, delete existing second sentence and substitute: "Third Street Promenade and Plaza improvements will be complete by December 2009."

Page 8-8: Add a #8 as follows:

8. Coordinated Marketing, Leasing and Retail Strategies

The Redevelopment Agency, Downtown Association, Downtown PBID, and property and business owners should work together to create coordinated marketing, leasing and retail strategies.

Page 8-9: Add a fourth item to Phase 2:

4. Re-Route Depot Street To Connect to Church Street

If the Community & Cultural Center parking lot is modified or a parking structure created on this lot during Phase 2, then Depot Street should be re-routed through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses. This project may not occur until Phase 3 or later, depending upon the method of implementing the parking strategy.

Page 8-9: Revise Phase 3 item #2 "Monterey Road Narrowing and Streetscape Improvements" to read as follows:

The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with

Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

There are a variety of options for use of the right-of-way if Monterey Road is reduced to two vehicular travel lanes. Some of these options include the addition of either bike routes or “sharrows” through Downtown, widening of sidewalks, establishment of outdoor dining areas, and the construction of angled parking to increase parking resources. The center median could be retained, renovated with new landscaping, or eliminated. The specific use of the right of way would be subject to a community design planning process.

Page 8-10: Re-label #7 to say: “Potential Additional Grade-Separated Railroad Crossing for Pedestrians, Bicycles and Emergency Vehicles”, and add the following text to the end of the paragraph:

It may be that the most viable location for such a crossing would be closer to Diana Avenue; emergency vehicles could travel on Diana and/or through the Courthouse parking lot to an undercrossing of the railroad tracks, with the connection ending near a relocated Depot Street in an area that is now the Community & Cultural Center parking lot, which is planned for reconfiguration.

Page 8-10: Revise first paragraph under “Subsequent Development Entitlements and Permits”:

Proposed projects that meet the overall intent of the Specific Plan but which are not in substantial conformance with the development standards of the applicable zoning district, will need to file an application for rezoning as a Planned Development pursuant to Chapter 18.30 (Planned Development District) of the Zoning Ordinance. The Planned Development (PD) process allows for variations to standard development requirements. As an example, if a 5-story development were to be proposed on the current site of the VTA/Caltrain parking lot on Block 16, this would need to be pursued as a PD and rezoning.

Page 8-11: Revise the first paragraph to read as follows:

Design Permits are required for projects located in the Downtown, pursuant to Chapter 18.74 (Design Review) of the Zoning Ordinance. Within the 18-block Specific Plan area, noticed public hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff in accordance with Chapter 18.74, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director (minor projects may be approved by staff).

Page 8-13: Add the following language to the end of #4 text regarding “Future Fire Station with Potential Additional Grade-Separated Railroad Crossing for Pedestrians, Bicycles and Emergency Vehicles”:

The possibility of adding a grade-separated undercrossing of the railroad tracks for pedestrians, bicycles and possibly emergency vehicles, should be studied. It may be that the most viable location for such a crossing would be closer to Diana Avenue; emergency vehicles could travel on Diana and/or through the Courthouse parking lot to an undercrossing of the railroad tracks, with the connection ending near a relocated Depot Street in an area that is now the Community & Cultural Center parking lot, which is planned for reconfiguration.

Page 8-14: Add the following to the end of the “Relationship to the General Plan” section:

Table 2 on page 16 of the Morgan Hill General Plan will be amended to create a new General Plan land use designation to accommodate the unique provisions established for the Central Business District, as follows:

Land Use Designation	Acres	Primary Uses	Density Range	Minimum Lot Area	Maximum Bldg Lot Coverage	Maximum Height *
Mixed Use-CBD	45	Downtown	no min/no max	3,500 sf	NA	2-story: 35' to roof plate 3-story: 45' to roof plate 4-story: 55' to roof plate
* additional height would be considered under a Planned Development (PD) rezoning						

Page 18 of the Morgan Hill General Plan shall be amended to delete the current text description of “Mixed Use”, and to substitute the following:

Mixed Use. The Mixed Use designation has two expressions: the “Mixed Use-CBD” is applied to certain Central Business District (CBD) parcels within the Downtown Specific Plan area, and the Downtown Specific Plan is adopted as the General Plan land use map, goals, policies, programs and zoning standards applicable to the Downtown. The remainder of the “Mixed Use” locations, totalling approximately 23 acres, are located in areas near downtown, and the density range provides for 8 to 20 units per acre, as implemented by the Central Commercial-Residential (CC-R) zoning district.

The General Plan shall also be amended to include a policy to allow the Multi-Family Medium land use category to allow for Commercial Use Overlay Zoning to be placed on the residentially-designated portion of Downtown Plan Block 20, to allow commercial uses within existing buildings through obtaining a Commercial Administrative Use permit, during the time prior to redevelopment of the residentially-designated portion of the block with residential uses.

Additionally, the Morgan Hill General Plan shall be amended, as a “clean-up” measure, to remove the terms “Non-Retail Commerical” from the text and land use map, and to instead substitute the term “Limited Commerical-Residential”.

Page 8-14: Delete the existing paragraph under “CEQA Compliance” and substitute the following paragraphs:

Adoption of the Downtown Specific Plan constitutes a project under the California Environmental Quality Act (CEQA). A Master Environmental Impact Report (MEIR) has

been prepared in accordance with CEQA to identify potentially significant impacts and mitigation and avoidance measures to be implemented to address these impacts. A summary of these mitigation and avoidance measures is contained as the last section of this Chapter 8.

The Morgan Hill City Council certified the Final MEIR in conjunction with approving the Downtown Specific Plan, and has made appropriate findings and adopted a Statement of Overriding Considerations for impacts that cannot be fully mitigated to a less than significant level.

Page 8-15: Add a second paragraph to the “Subsequent Projects” discussion:

It must be emphasized that the phasing assumptions are not intended to and will not be interpreted to act as a geographic or numeric constraint to the location, level and/or timing of development. Under the adopted Specific Plan and Master EIR, other blocks or portions of blocks may develop sooner or later than the projections in Chapter 2 of this Plan. The overall level and location of actual development will be monitored by the City to ensure that land use regulations, parking supply and management activities, and environmental (CEQA) compliance is appropriate to actual conditions over time.

Page 8-15: Delete the existing two paragraphs under “Residential Development Control System (RDCS)”, and substitute the following:

Morgan Hill voters approved a ballot measure in May 2009 to exempt 500 residential units from the RDSC process within the Downtown area (Blocks 1 – 20), within the city’s current RDSC population cap of 48,000 persons in the year 2020. The 500 units represents an average of 45 units per year. Under Measure F, there are another 100 allotments for downtown that can be obtained without competing (although projects must be reviewed to ensure that the RDSC minimum score is obtained). Under the exemption, residential and mixed use development in Downtown that are consistent with the Specific Plan will need only to secure a Design Permit and Building Permit, with some uses also requiring a Conditional Use Permit or DAUP. If a project proposes a change to the Specific Plan development standards, a Planned Development zoning designation would be required, but the residential units would still be exempt from the RDSC.

Page 8-16: Add a new section to this Chapter; title the section “Summary of Impacts and Mitigation & Avoidance Measures from Master Environmental Impact Report (MEIR)”.

Include the following introductory text prior to presenting the Summary Table:

The Master EIR presents impacts and mitigation/avoidance measures for two timeframes: 2015 and 2030, and for two possible configurations of Monterey Road in the downtown between Main Avenue and Dunne Avenue. The Downtown Specific Plan Project approved by the City of Morgan Hill in 2009 consists of “The Project”, which assumes Monterey Road remains 4 lanes through the Downtown. The “Project Alternate” information presented in the Master EIR pertains to the configuration of Monterey Road as a 2-lane facility, and impacts/mitigation measures applicable to the Project Alternate are denoted by addition of “-A” to the impact/MM numbering system.

The following mitigation measures and avoidance measures shall be imposed as conditions of approval for development projects, or otherwise carried out by the City of Morgan Hill, Morgan Hill Redevelopment Agency, or other appropriate entity, as described in the Mitigation Monitoring

and Reporting Program (MMRP) adopted in conjunction with certification of the Master EIR and adoption of the 2009 Downtown Specific Plan.

Summary of Significant Impacts

The following information summarizes the significant effects of the proposed project and mitigation measures proposed to reduce these effects. Impacts that are less than significant are not described in this summary and can be found in the text of the MEIR. A complete description of the project and of its impacts and proposed mitigation measures can be found in the text of the MEIR.

Significant Impact	Mitigation and Avoidance Measures
Transportation Impacts	
Impact TRANS-1: Under 2015 conditions, the proposed project would exacerbate LOS D intersection operations at Monterey Road/Main Avenue during the AM peak hour. (Significant Impact)	<p>MM TRANS-1.1: <u>Monterey Road/Main Avenue.</u> The addition of 2015 project traffic volumes would exacerbate LOS D intersection operations during the AM peak hour. The mitigation required to reduce the impact from the proposed project to less than significant during the AM peak hour would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings.</p> <p>The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)</p>
Impact TRANS-1a: Under 2015 conditions, the project alternate would result in impacts to the intersection of Monterey	MM TRANS-1a.1: <u>Monterey Road/Main Avenue.</u> The addition of 2015 traffic volumes on the project alternate roadway network would exacerbate LOS D intersection operations to LOS F and LOS D- during the AM and PM peak

Significant Impact	Mitigation and Avoidance Measures
<p>Road/Main Avenue (LOS F during AM and LOS D- during PM peak hour). (Significant Impact)</p>	<p>hours, respectively. The mitigation required to reduce the impact from the project alternate to less than significant during the AM and PM peak hours would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The southbound approach would need to be widened to include two southbound left-turn lanes, a through lane, and a right-turn lane. These improvements would not conflict with the narrowing of Monterey Road from four to two lanes.</p> <p>The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)</p>
<p>Impact TRANS-2a: Under 2015 conditions, the project alternate would result in impacts to the intersection of Dunne Avenue/Monterey Road (LOS D during PM peak hour). (Significant Impact)</p>	<p>MM TRANS-2a.1: <u>Monterey Road/Dunne Avenue.</u> The addition of 2015 traffic volumes on the project alternate roadway network would degrade acceptable (LOS D+) operations to LOS D operations during the PM peak hour. The mitigation required to reduce the impact from the project alternate to a less than significant level during the PM peak hour would be to provide for Dunne Avenue an eastbound right-turn overlap phase and a southbound approach with a left-turn, through lane and shared through-right lane. This configuration would be inconsistent with narrowing Monterey Road from four to two lanes between Dunne Avenue to Fifth Street and would require modification of the narrowing proposed under the Project Alternate to retain four lanes on Monterey Road between Dunne Avenue and Fifth Street.</p>

Significant Impact	Mitigation and Avoidance Measures
	<p>During a future Monterey Road streetscape planning process, the City of Morgan Hill should explore feasibility and desirability of retaining additional lanes in the block of Monterey Road between Dunne Avenue and Fifth Street; however, with the current project alternate roadway network, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)</p>
<p>Impact TRANS-4: The proposed Specific Plan, under 2030 conditions, would degrade Monterey Road/Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. (Significant Impact)</p>	<p>MM TRANS-4.1: <u>Monterey Road/Main Avenue.</u> The addition of 2030 traffic volumes would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., separate left, through, and right lane with an overlap phase).</p> <p>The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)</p>
<p>Impact TRANS-4a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Monterey Road intersection operations from LOS D to LOS F and LOS E during the AM and PM peak hours, respectively. (Significant Impact)</p>	<p>MM TRANS-4a.1: <u>Monterey Road/Main Avenue.</u> The addition of 2030 traffic volumes on the project alternate roadway network would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS F and LOS E during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach would also need to be widened (i.e.</p>

Significant Impact	Mitigation and Avoidance Measures
	<p>two southbound left-turn lanes, a through-lane, and a right-lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue.</p> <p>The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)</p>
<p>Impact TRANS-5: The proposed Specific Plan, under 2030 conditions, would degrade Depot Street/Main Avenue intersection operations from LOS C to LOS E during the AM peak hour and would meet the peak hour signal warrant criteria. (Significant Impact)</p>	<p>MM TRANS-5.1: <u>Depot Street/Main Avenue.</u> The addition of 2030 traffic volumes would degrade the Depot Street/Main Avenue intersection operations from LOS C to LOS E during the AM peak hour and the peak-hour signal warrant would be met. Signalizing this intersection would mitigate this impact to a less than significant level. It should be noted that signalization at this location was recommended in the Circulation Element update that is currently in progress.</p> <p>The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. (Less Than Significant Impact with Mitigation)</p>
<p>Impact TRANS-5a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/ Depot Street intersection operations from LOS C and D to LOS E and F during the AM and PM peak hours, respectively,</p>	<p>MM TRANS-5a.1: <u>Main Avenue/Depot Street.</u> The addition of 2030 traffic volumes on the project alternate roadway network would degrade the Main Avenue and Depot Street intersection from LOS C and LOS E to an unacceptable LOS E and LOS F during the AM and PM peak hours, respectively. In addition, the peak hour warrant is exceeded during both peak hours. Providing a signal at this location would reduce this</p>

Significant Impact	Mitigation and Avoidance Measures
<p>and would meet the peak hour signal warrant criteria. (Significant Impact)</p>	<p>impact to a less than significant level and provide acceptable (LOS D+ or better) operations during both peak hours. It should be noted that the recommendation for a signal is also identified in the recommended roadway network for the General Plan Circulation Element update that is currently in progress.</p> <p>The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. (Less Than Significant Impact with Mitigation)</p>
<p>Impact TRANS-6a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Hale Avenue intersection operations from LOS B to LOS E during the AM peak hour and would meet the peak hour signal warrant criteria. (Significant Impact)</p>	<p>MM TRANS-6a.1: <u>Main Avenue/Hale Avenue.</u> The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Main Avenue and Hale Avenue from LOS B to an unacceptable LOS E during the AM peak hour. In addition, the peak hour warrant is exceeded during the AM peak hour. Providing a signal at this location would reduce this impact to a less than significant level and provide acceptable (LOS D+ or better) operations during both peak hours. It should be noted that the recommendation for a signal is also identified in the recommended roadway network for the General Plan Circulation Element update that is currently in progress.</p> <p>The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants.</p> <p>(Less Than Significant Impact with Mitigation)</p>
<p>Impact TRANS-7a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Dunne Avenue/Monterey Road intersection operations from LOS D+ to LOS D during the PM peak hour. (Significant Impact)</p>	<p>MM TRANS-7a.1: <u>Dunne Avenue/Monterey Road.</u> The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Monterey Road and Dunne Avenue from an acceptable LOS D+ to an unacceptable LOS during the PM peak hour. The mitigation required to reduce the impact from the project alternate to a less than significant level during the PM peak hour would be to provide an eastbound right-turn overlap phase, and a southbound approach with a left-turn, through lane and shared through-right lane to operate acceptably (LOS D+ or better). This configuration would be inconsistent with narrowing Monterey Road from four to two lanes between Dunne Avenue to Fifth Street and would require modification of the narrowing proposed under the Project Alternate.</p> <p>During a future Monterey Road streetscape planning process,</p>

Significant Impact	Mitigation and Avoidance Measures
	<p>the City of Morgan Hill could explore feasibility and desirability of retaining additional lanes in the block of Monterey Road between Dunne Avenue to Fifth Street; however, with the current project alternate roadway network, the impact at this intersection is significant and unavoidable.</p> <p>(Significant Unavoidable Impact)</p>
<p>Impact TRANS-8a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Butterfield Boulevard intersection operations from LOS D+ to LOS D during the PM peak hour. (Significant Impact)</p>	<p>MM TRANS-8a.1: Main Avenue/Butterfield Boulevard. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Main Avenue/Butterfield Boulevard from an acceptable LOS D+ to an unacceptable level of service LOS D during the PM peak hour. This intersection requires a second northbound left-turn to operate acceptably. However, this improvement may require right-of-way from the northwest and southeast corners of the intersection, and physical constraints exist along the east side of Butterfield Boulevard due to the open canal. Overall, the implementation of a second northbound left-turn lane is considered physically feasible and would mitigate this impact to a less than significant level.</p> <p>The City of Morgan Hill will monitor traffic at this location and make necessary improvements at the time the intersection is projected to operate at an unacceptable level.</p> <p>(Less Than Significant Impact with Mitigation)</p>
<p>Impact TRANS-10: While implementation of some or all of the parking strategies outlined in the Specific Plan would increase parking supply in the Downtown to meet parking demand as development in the Downtown Core intensifies, the City has no adopted program to monitor parking availability and undertake measures to provide adequate supply. (Significant Impact)</p>	<p>MM TRANS-10.1: The City shall create a land use and parking database for the downtown area and shall be required to document the demand for parking from retail and office development and changes in parking supply through the preparation of a monitoring report submitted to the City Council every two years to ensure planning, regulatory, and construction measures are undertaken to provide adequate parking supply. Implementation of this measure would reduce the impact of the Specific Plan development on parking supplies to a less than significant level.</p> <p>(Less Than Significant Impact with Mitigation)</p>
Noise and Vibration Impacts	
<p>Impact NV-1: Residential development proposed under the Downtown Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from railroad noise. Exterior noise levels exceeding the acceptable General Plan standards would result in</p>	<p>MM NV-1.1: Residential development shall be setback from traffic and railroad noise sources to reduce ambient noise levels in outdoor use areas to the extent feasible. Noise-sensitive outdoor spaces shall be shielded with buildings or noise barriers wherever possible. Residential development proposed under the Specific Plan shall strive to reduce traffic noise levels to 60 dBA L_{dn} or less and railroad train noise levels to 70 dBA L_{dn} or less in outdoor use areas through a combination of setbacks, noise barriers, and</p>

Significant Impact	Mitigation and Avoidance Measures
<p>significant impacts to outdoor spaces in new residential development in the Downtown. (Significant Impact)</p>	<p>building design/layout. The specific determination of what treatments are necessary would be conducted on a project-by-project basis. Implementation of these measures would reduce noise impacts to outdoor use areas to a less than significant level for many of the proposed downtown residential units, however, even with incorporation of these mitigation measures to the extent feasible, the outdoor spaces for some residential units will continue to be impacted and, therefore, this impact is significant and unavoidable. (Significant Unavoidable Impact)</p>
<p>Impact NV-2: Interior noise levels would be reduced through the incorporation of standard measures, however, L_{max} noise levels of up to 110 dBA from train warning whistles, would exceed the City's L_{max} noise standards. (Significant Impact)</p>	<p>MM NV-2.1: Project-specific acoustical analyses shall be submitted for all residential and mixed-use projects where exterior noise levels exceed 60 dBA L_{dn}. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for new residential uses adjacent to the UPRR, Monterey Road, or Butterfield Boulevard. Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required to reduce maximum instantaneous noise levels (L_{max}) to 50 dBA in bedrooms and 55 dBA in other habitable rooms. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible, and sensitive interior spaces should be located further from the railroad corridor. Projects shall also incorporate setbacks, as great as feasible, from the railroad corridor and construct noise barriers. The specific determination of what treatments are necessary would be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, would be submitted to the City along with the building plans and approved prior to issuance of a building permit.</p> <p>The City should also explore designation of the at-grade rail crossings as "quiet zones". Quiet zones could be established so that trains would not be required to sound their warning whistles but would require greater safety controls at the crossings. Wayside horn systems could be installed at the at-grade crossings to confine horn noise only in the immediate vicinity of the crossings.</p> <p>For some downtown residential properties incorporation of project-specific noise reduction treatments will reduce this impact to a less than significant level; however, for many units on properties adjoining the railroad the interior L_{max} noise standards may not be met even with incorporation of</p>

Significant Impact	Mitigation and Avoidance Measures
	feasible and best available methods and, therefore, this impact would be significant and unavoidable. (Significant Unavoidable Impact)
Impact NV-3: Residential uses allowed under the Specific Plan within approximately 50 feet of the UPRR would be subject to vibration from railroad trains that would exceed the FTA impact guidelines. (Significant Impact)	MM NV-3.1: Residential structures shall be located at least 50 feet from the nearest railroad track unless project specific vibration analyses indicate that vibration levels at the building site and/or the design of the project result in vibration levels of 75 VdB or less. (Less Than Significant Impact with Mitigation)
Impact NV-4: Construction activities, even with incorporation of standard measures, could impact noise sensitive receptors in the project area for more than one year. (Significant Impact)	MM NV-4.1: The following mitigation measures shall be implemented, as conditions of approval, in addition to construction hour limitations in the Morgan Hill Municipal Code, to reduce potential construction related noise impacts to nearby sensitive receptors: <ul style="list-style-type: none"> • Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers. • Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials. • Utilize “quiet” air compressors and other stationery noise sources where technology exists. • The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., bad muffler, etc.) and would require that reasonable measures be implemented to correct the problem. <p>Implementation of the mitigation and standard measures identified above, would reduce noise generated by construction projects in the Specific Plan project area, however, given the duration of time (greater than one year) that sensitive receptors may be exposed to construction noise, this impact would remain significant and unavoidable. (Significant Unavoidable Impact)</p>

Significant Impact	Mitigation and Avoidance Measures
<p style="text-align: center;">Air Quality Impacts</p>	
<p>Impact AQ-2: Projected new development through 2015 and 2030 under the proposed project would result in an increase in regional air pollutant emissions of ROG and PM₁₀ in excess of BAAQMD thresholds and, therefore, would result in significant impacts to regional air quality. (Significant Impact)</p>	<p>MM AQ-2.1: The Specific Plan shall be amended to require submission of an Air Quality and Transportation Demand Management (AQ-TDM) Plan as part of the Design Permit (Architectural and Site Review) application for review and approval by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the design permit process, such as the following, to reduce air quality impacts:</p> <ul style="list-style-type: none"> • Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas. • Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities. • Allow only natural gas fireplaces. No wood burning devices would be allowed. • Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc. • Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development. • Provide showers and lockers for employees bicycling or walking to work. • Provide transit information kiosks and bicycle parking at commercial facilities. • Provide secure and conveniently located bicycle parking and storage for workers and patrons. <p>MM AQ-2.2: Public parking lots constructed or assisted by the City or Redevelopment Agency of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities:</p> <ul style="list-style-type: none"> • Electric vehicle charging facilities. • Preferential parking for Low Emission Vehicles (LEVs). <p>The above measures have the potential to reduce project-related regional emissions by five to ten percent. A reduction of this magnitude would not reduce emissions to below the BAAQMD significance threshold of 80 pounds per day for ROG and PM₁₀. Project regional air quality impacts, therefore, would remain significant and unavoidable. (Significant Unavoidable Impact)</p>
<p>Impact AQ-5: Demolition and construction activities due to redevelopment in the Specific Plan project area, even with incorporation of City of Morgan Hill</p>	<p>MM AQ-5.1: The Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible demolition and construction dust control measures to reduce construction impacts to a less than significant level. The following construction practices shall be incorporated into</p>

Significant Impact	Mitigation and Avoidance Measures
<p>standard measures, may generate construction-period exhaust and fugitive dust that would temporarily affect local air quality. (Significant Impact)</p>	<p>dust mitigation plans implemented during demolition and construction phases of proposed development in the Specific Plan project area to reduce dust and exhaust emissions:</p> <ul style="list-style-type: none"> • Water active demolition areas to control dust generation during demolition of structures and break up of pavement. • Cover all trucks hauling demolition debris from the site. • Use dust proof chutes to load debris into trucks whenever feasible. • Water all active construction areas at least twice daily. • Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind. • Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. <p>AM AQ-5.1: The following additional measures recommended by the BAAQMD to reduce engine exhaust emissions:</p> <ul style="list-style-type: none"> • Use alternative fueled construction equipment, when feasible. • Minimize idling time (five minutes maximum). • Maintain properly tuned equipment. • Limit the hours of operation of heavy equipment and/or the amount of equipment in use. <p>(Less Than Significant Impact with Mitigation)</p>

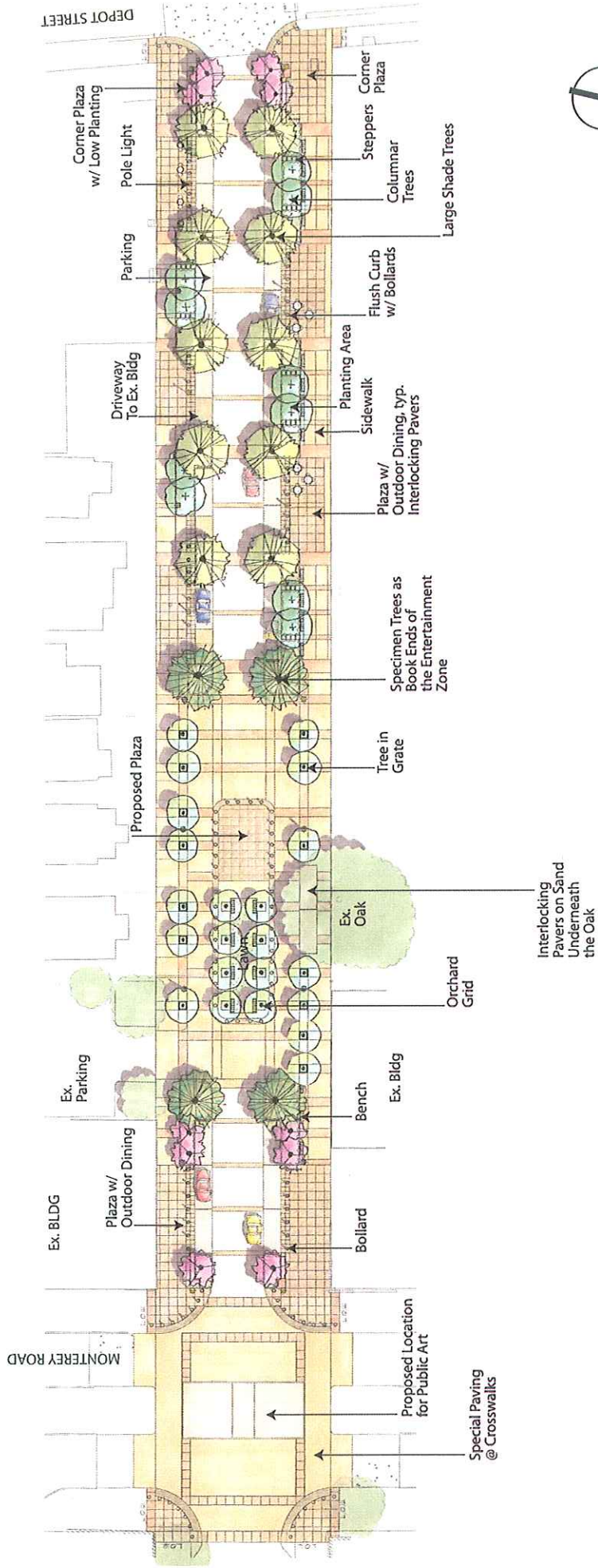
Significant Impact	Mitigation and Avoidance Measures
<p align="center">Hazards and Hazardous Materials</p> <p>Impact HM-1: Soil and/or groundwater in the project area may be contaminated by hazardous materials that could be disturbed, exposed, or released due to development and redevelopment in the project area. (Significant Impact)</p>	
	<p>MM HM-1.1: A Phase I Environmental Site Assessment shall be required for all properties proposed for redevelopment with residential uses where previous uses include industrial, commercial or agricultural use. If warranted, a Phase II Environmental Site Assessment shall be prepared which identifies specific remediation measures required to ensure the site is suitable for residential development.</p> <p>MM HM-1.2: If remediation activities are required on any parcel within the Specific Plan project area, these activities shall be carried out in accordance with a Remediation Plan prepared to address the findings of the Phase II Environmental Site Assessment. The Remediation Plan shall specify the cleanup levels that will be applied and the anticipated regulatory agency responsible for oversight. Potential impacts associated with the remediation activities, such as air and health impacts associated with excavation activities, transportation impacts from removal or remedial activities, and risk of upset in the event of an accident at the site or during transport of contaminated soil shall also be addressed to ensure no significant impacts from implementation of the Remediation Plan.</p> <p>MM HM-1.3: The Central Coast Regional Water Quality Control Board (RWQCB) and County of Santa Clara Department of Environmental Health Local Oversight Program (LOP) are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. In accordance with the Fuel Leak Site Case Closure for Unocal #6169 (Case No. 14-668, SCVWDID No. 09S3E28C03f), the County, RWQCB, and the Community Development Department shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells on the Unocal 76 station parcel of Block 14. A Clearance Letter from either of these agencies outlining site history and any requirements for cleanup or handling of residual contamination shall be submitted to the Community Development Director prior to the issuance of a site development permit.</p> <p>MM HM-1.4: The Central Coast Regional Water Quality Control Board and County of Santa Clara Department of Environmental Health Local Oversight Program are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. Prior to the issuance of a site</p>

Significant Impact	Mitigation and Avoidance Measures
	<p>development permit on Block 20, a Clearance Letter from either of these agencies outlining site history and requirements for cleanup or handling of residual hydrocarbon contamination on the site shall be submitted to the Community Development Director.</p> <p>(Less Than Significant with Mitigation)</p>
Biological Resources	
<p>Impact BIO-1: Tree removal during the nesting season could impact protected tree-nesting raptors. Any loss of fertile bird eggs, or individual nesting birds, or any activities resulting in nest abandonment during construction, would constitute a significant impact.</p> <p>(Significant Impact)</p>	<p>MM BIO-1.1: Removal of trees in the Specific Plan area could be scheduled between September and December (inclusive) to avoid the raptor nesting season and no additional surveys would be required.</p> <p>MM BIO-1.2: If removal of the trees on-site would take place between January and August (inclusive), a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity. The applicant shall submit a report indicating the result of the pre-construction survey and any designated buffer zones to the satisfaction of the Community Development Director.</p> <p>(Less Than Significant Impact with Mitigation)</p>
Cumulative Impacts	
<p>Impact C-TRANS-1: The proposed project, along with other pending General Plan amendments, would result in significant cumulative impacts to three signalized intersections and one unsignalized intersection.</p> <p>(Significant Cumulative Impacts)</p>	<p>MM C-TRANS-1.1: <u>Monterey Road/Main Avenue.</u> The combination of cumulative traffic from all of the proposed projects and from implementation of the Project Alternate to narrow Monterey Road to one lane in each direction would cause the intersection to operate at LOS F during the AM and PM peak hours. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase).</p>

Significant Impact	Mitigation and Avoidance Measures
	<p>The southbound approach of Monterey Road would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a shared through-right lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue.</p> <p>The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)</p> <p>MM C-TRANS-1.2: Monterey Road/Dunne Avenue. The addition of cumulative traffic and the narrowing of Monterey Road would degrade the intersection operations from LOS D+ to LOS D during the PM peak hour. This intersection requires an eastbound right-turn overlap phase, and a southbound approach with a left-turn lane, through lane and shared through-right lane to operate acceptably (LOS D+ or better) and reduce the project's contribution to this cumulatively significant impact. These improvements (two southbound through lanes at this intersection) would conflict with narrowing of Monterey Road and the installation of traffic calming and pedestrian improvements evaluated as the project alternate.</p> <p>One of the City's goals for the proposed Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and traffic calming measures. This mitigation is not consistent with the priority of reducing vehicle speeds on Monterey Road and is not proposed by the project. During a</p>

Significant Impact	Mitigation and Avoidance Measures
	<p>future Monterey Road streetscape planning process, the City of Morgan Hill should explore the feasibility and desirability of incorporating this mitigation measure, to retain additional lanes in the block of Monterey Road, between Dunne Avenue and Fifth Street.</p> <p>(Significant Unavoidable Cumulative Impact)</p> <p>MM C-TRANS-1.3: <u>Main Avenue and Butterfield Boulevard.</u> The addition of cumulative traffic at this location would degrade the intersection operations from LOS C- and LOS D+ to LOS D during the AM and PM peak hours, respectively. This intersection requires a second northbound left-turn to operate acceptably. However, this improvement may require right-of-way from the northwest and southeast corners of the intersection, and physical constraints exist along the east side of Butterfield Boulevard due to the open canal. Overall, the implementation of a second northbound left-turn lane is considered physically feasible and would mitigate this impact to a less than significant level. The City of Morgan Hill will monitor this intersection and implement this measure at such time, based on monitoring of LOS and anticipated traffic from approved developments, that the intersection will degrade below an acceptable level of service.</p> <p>(Less Than Significant Cumulative Impact with Mitigation)</p> <p>MM C-TRANS-1.4: <u>Dunne Avenue and Del Monte Street.</u> The addition of cumulative traffic at this location would degrade intersection operations from LOS B to LOS E and LOS F during the AM and PM peak hours, respectively. The peak-hour traffic volumes at this intersection would meet the peak-hour signal warrant during the PM peak hour and installation of a traffic signal would mitigate the impact at this intersection and provide LOS C (20.6 seconds of average delay) and LOS C+ (20.8 seconds of average delay) operations during the AM and PM peak hour. The City of Morgan Hill will monitor this intersection and implement this measure at such time, based on monitoring of LOS and anticipated traffic from approved developments, that the intersection will degrade below an acceptable level of service.</p> <p>(Less Than Significant Cumulative Impact with Mitigation)</p>

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CONCEPT PLAN
JUNE 2008

MORGAN HILL 3RD STREET PROMENADE

GATES
+ ASSOCIATES

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RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MORGAN HILL RECOMMENDING
CERTIFICATION OF THE FINAL MASTER
ENVIRONMENTAL IMPACT REPORT (MEIR) AND
ADOPTION OF A MITIGATION MONITORING AND
REPORTING PROGRAM (MMRP) FOR THE
DOWNTOWN SPECIFIC PLAN AND ASSOCIATED
AMENDMENTS TO THE GENERAL PLAN AND
ZONING ORDINANCE**

WHEREAS, such request was considered by the Planning Commission at its regular meeting of October 13, 2009; and

WHEREAS, testimony received at a duly-noticed public hearing, along with the proposed 2009 Downtown Specific Plan and Final Master Environmental Impact Report have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The Planning Commission hereby recommends that the City Council certify the Final Master Environmental Impact Report and adopt the attached Mitigation Monitoring and Reporting Program (MMRP), based on the findings and determinations contained within the attached Resolution proposed for City Council adoption.

**PASSED AND ADOPTED THIS ____ DAY OF OCTOBER 2009, AT A REGULAR
MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Deputy City Clerk

Chair

***PROPOSED ATTACHMENT, THE RESOLUTION
PROPOSED FOR ADOPTION BY THE
CITY COUNCIL***

***TO BE DISTRIBUTED
PRIOR TO PLANNING COMMISSION MEETING***

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MORGAN HILL RECOMMENDING
APPROVAL OF THE DOWNTOWN SPECIFIC PLAN
AND ASSOCIATED AMENDMENTS TO GENERAL
PLAN AND ZONING MAP CLASSIFICATIONS FOR
AFFECTED PARCELS IN THE 18-BLOCK
DOWNTOWN SPECIFIC PLAN AREA AND FOR
"BLOCKS 19 AND 20", AND INCREASING THE
DENSITY OF THE CENTRAL COMMERCIAL-
RESIDENTIAL (CC-R) ZONING DISTRICT**

WHEREAS, such request was considered by the Planning Commission at its regular meeting of October 13, 2009; and

WHEREAS, testimony received at a duly-noticed public hearing, along with the proposed 2009 Downtown Specific Plan and Final Master Environmental Impact Report have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The Planning Commission hereby recommends that the City Council adopt the attached ordinance, based on the findings and determinations contained within the attached ordinance.

**PASSED AND ADOPTED THIS ____ DAY OF OCTOBER 2009, AT A REGULAR
MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Deputy City Clerk

Chair

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING THE 2009 DOWNTOWN SPECIFIC PLAN AND APPROVING ASSOCIATED AMENDMENTS TO GENERAL PLAN AND ZONING MAP CLASSIFICATIONS FOR AFFECTED PARCELS IN THE 18-BLOCK DOWNTOWN SPECIFIC PLAN AREA AND FOR "BLOCKS 19 AND 20", AND INCREASING THE DENSITY OF THE CENTRAL COMMERCIAL-RESIDENTIAL (CC-R) ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1.** The proposed Downtown Specific Plan and associated general plan and zoning amendments are in general conformance with the General Plan; and the public necessity, convenience and general welfare require the adoption of the proposed Downtown Specific Plan and amendments.
- SECTION 2.** The proposed Downtown Specific Plan and amendments do not grant a change of land use from commercial or industrial to a residential land use for property incorporated in the urban service boundary after December 7, 1990.
- SECTION 3.** A Final Master Environmental Impact Report (FMEIR) has been prepared for this project and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. On the basis of the whole record, the City Council has adopted a Resolution certifying the FMEIR prior to adopting this Ordinance, finding that the Final Master EIR has been completed in accordance with CEQA; that the Final Master EIR reflects the independent judgment and analysis of the City of Morgan Hill, as lead agency; and making one or more findings for each of the identified significant environmental effects of the project; and adopting a Mitigation Monitoring and Reporting Program.
- SECTION 4.** The Final Master EIR has been presented to the Morgan Hill City Council, and the City Council has reviewed and considered the information contained in the Final MEIR for the proposed 2009 Downtown Specific Plan and associated General Plan and Zoning Amendments, prior to approving the project and amendments.
- SECTION 5.** The Planning Commission conducted a noticed public hearing on October 13, 2009 and based on its review of the proposed project and Final Master EIR, together with public comments received, has recommended approval of the project.

SECTION 6. The City Council hereby approves the 2009 Downtown Specific Plan, by this reference incorporated herein, and the associated General Plan and Zoning map amendments as detailed by chart and maps of Exhibit “A” attached hereto, based on the following findings with regard to environmental effects:

PROJECT IMPACTS

Impact TRANS-1: Under 2015 conditions, the proposed project would exacerbate LOS D intersection operations at Monterey Road/Main Avenue during the AM peak hour. **(Significant Impact)**

MM TRANS-1.1: Monterey Road/Main Avenue. The addition of 2015 project traffic volumes would exacerbate LOS D intersection operations during the AM peak hour. The mitigation required to reduce the impact from the proposed project to less than significant during the AM peak hour would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City’s policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**

Impact TRANS-4: The proposed Specific Plan, under 2030 conditions, would degrade Monterey Road/Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. **(Significant Impact)**

MM TRANS-4.1: Monterey Road/Main Avenue. The addition of 2030 traffic volumes would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., separate left, through, and right lane with an overlap phase).

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City’s policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**

Impact TRANS-5: The proposed Specific Plan, under 2030 conditions, would degrade Depot Street/Main Avenue intersection operations from LOS C to LOS E during the AM peak hour and would meet the peak hour signal warrant criteria. **(Significant Impact)**

MM TRANS-5.1: Depot Street/Main Avenue. The addition of 2030 traffic volumes would degrade the Depot Street/Main Avenue intersection operations from LOS C to LOS E during the AM peak hour and the peak-hour signal warrant would be met. Signalizing this intersection would mitigate this impact to a less than significant level. It should be noted that signalization at this location was recommended in the Circulation Element update that is currently in progress.

The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. **(Less Than Significant Impact with Mitigation) This mitigation measure is being incorporated into the Specific Plan.**

Impact TRANS-10: While implementation of some or all of the parking strategies outlined in the Specific Plan would increase parking supply in the Downtown to meet parking demand as development in the Downtown Core intensifies, the City has no adopted program to monitor parking availability and undertake measures to provide adequate supply. **(Significant Impact)**

MM TRANS-10.1: The City shall create a land use and parking database for the downtown area and shall be required to document the demand for parking from retail and office development and changes in parking supply through the preparation of a monitoring report submitted to the City Council every two years to ensure planning, regulatory, and construction measures are undertaken to provide adequate parking supply. Implementation of this measure would reduce the impact of the Specific Plan development on parking supplies to a less than significant level. **(Less Than Significant Impact with Mitigation) This mitigation measure is being incorporated into the Specific Plan.**

Impact NV-1: Residential development proposed under the Downtown Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from railroad noise. Exterior noise levels exceeding the acceptable General Plan standards would result in significant impacts to outdoor spaces in new residential development in the Downtown. **(Significant Impact)**

MM NV-1.1: Residential development shall be setback from traffic and railroad noise sources to reduce ambient noise levels in outdoor use areas to the extent feasible. Noise-sensitive outdoor spaces shall be shielded with buildings or noise barriers wherever possible. Residential development proposed under the Specific Plan shall strive to reduce traffic noise levels to 60 dBA L_{dn} or less and railroad train noise levels to 70 dBA L_{dn} or less in outdoor use areas through a combination of setbacks, noise barriers, and building design/layout. The specific determination of what treatments are necessary would be conducted on a project-by-project basis. Implementation of these measures would reduce noise impacts to outdoor use areas to a less than significant level for many of the proposed downtown residential units, however, even with incorporation of these mitigation measures to the extent feasible, the outdoor spaces for some residential units will continue to be impacted and, therefore, this impact is significant and unavoidable. **(Significant Unavoidable Impact) This mitigation measure is being incorporated into the Specific Plan.**

Impact NV-2: Interior noise levels would be reduced through the incorporation of standard measures, however, L_{max} noise levels of up to 110 dBA from train warning whistles, would exceed the City's L_{max} noise standards. **(Significant Impact)**

MM NV-2.1: Project-specific acoustical analyses shall be submitted for all residential and mixed-use projects where exterior noise levels exceed 60 dBA L_{dn} . Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for new residential uses adjacent to the UPRR, Monterey Road, or Butterfield Boulevard. Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required to reduce maximum instantaneous noise levels (L_{max}) to 50 dBA in bedrooms and 55 dBA in other habitable rooms. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible, and sensitive interior spaces should be located further from the railroad corridor. Projects shall also incorporate setbacks, as great as feasible, from the railroad corridor and construct noise barriers. The specific determination of what treatments are necessary would be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, would be submitted to the City along with the building plans and approved prior to issuance of a building permit.

The City should also explore designation of the at-grade rail crossings as “quiet zones”. Quiet zones could be established so that trains would not be required to sound their warning whistles but would require greater safety controls at the crossings. Wayside horn systems could be installed at the at-grade crossings to confine horn noise only in the immediate vicinity of the crossings.

For some downtown residential properties incorporation of project-specific noise reduction treatments will reduce this impact to a less than significant level; however, for many units on properties adjoining the railroad the interior L_{max} noise standards may not be met even with incorporation of feasible and best available methods and, therefore, this impact would be significant and unavoidable.

(Significant Unavoidable Impact) This mitigation measure is being incorporated into the Specific Plan.

Impact NV-3: Residential uses allowed under the Specific Plan within approximately 50 feet of the UPRR would be subject to vibration from railroad trains that would exceed the FTA impact guidelines. **(Significant Impact)**

MM NV-3.1: Residential structures shall be located at least 50 feet from the nearest railroad track unless project specific vibration analyses indicate that vibration levels at the building site and/or the design of the project result in vibration levels of 75 VdB or less. **(Less Than Significant Impact with Mitigation) This mitigation measure is being incorporated into the Specific Plan.**

Impact NV-4: Construction activities, even with incorporation of standard measures, could impact noise sensitive receptors in the project area for more than one year. **(Significant Impact)**

MM NV-4.1: The following mitigation measures shall be implemented, as conditions of approval, in addition to construction hour limitations in the Morgan Hill Municipal Code, to reduce potential construction related noise impacts to nearby sensitive receptors:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.
- Utilize “quiet” air compressors and other stationery noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise

disturbance.

- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., bad muffler, etc.) and would require that reasonable measures be implemented to correct the problem.

Implementation of the mitigation and standard measures identified above, would reduce noise generated by construction projects in the Specific Plan project area, however, given the duration of time (greater than one year) that sensitive receptors may be exposed to construction noise, this impact would remain significant and unavoidable. **(Significant Unavoidable Impact) This mitigation measure is being incorporated into the Specific Plan.**

Impact AQ-2: Projected new development through 2015 and 2030 under the proposed project would result in an increase in regional air pollutant emissions of ROG and PM₁₀ in excess of BAAQMD thresholds and, therefore, would result in significant impacts to regional air quality. **(Significant Impact)**

MM AQ-2.1: The Specific Plan shall be amended to require submission of an Air Quality and Transportation Demand Management (AQ-TDM) Plan as part of the Design Permit (Architectural and Site Review) application for review and approval by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the design permit process, such as the following, to reduce air quality impacts:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Allow only natural gas fireplaces. No wood burning devices would be allowed.
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Provide showers and lockers for employees bicycling or walking to work.
- Provide transit information kiosks and bicycle parking at commercial facilities.
- Provide secure and conveniently located bicycle parking and storage for workers and patrons.

This mitigation measure is being incorporated into the Specific Plan.

MM AQ-2.2: Public parking lots constructed or assisted by the City or Redevelopment Agency of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities:

- Electric vehicle charging facilities.
- Preferential parking for Low Emission Vehicles (LEVs).

This mitigation measure is being incorporated into the Specific Plan.

The above measures have the potential to reduce project-related regional emissions by five to ten percent. A reduction of this magnitude would not reduce emissions to below the BAAQMD significance threshold of 80 pounds per day for ROG and PM₁₀. Project regional air quality impacts, therefore, would remain significant and unavoidable.

(Significant Unavoidable Impact)

Impact AQ-5: Demolition and construction activities due to redevelopment in the Specific Plan project area, even with incorporation of City of Morgan Hill standard measures, may generate construction-period exhaust and fugitive dust that would temporarily affect local air quality. **(Significant Impact)**

MM AQ-5.1: The Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible demolition and construction dust control measures to reduce construction impacts to a less than significant level. The following construction practices shall be incorporated into dust mitigation plans implemented during demolition and construction phases of proposed development in the Specific Plan project area to reduce dust and exhaust emissions:

- Water active demolition areas to control dust generation during demolition of structures and break up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Use dust proof chutes to load debris into trucks whenever feasible.
- Water all active construction areas at least twice daily.
- Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

This mitigation measure is being incorporated into the Specific Plan.

AM AQ-5.1: The following additional measures recommended by the BAAQMD to reduce engine exhaust emissions:

- Use alternative fueled construction equipment, when feasible.
- Minimize idling time (five minutes maximum).
- Maintain properly tuned equipment.
- Limit the hours of operation of heavy equipment and/or the amount of equipment in use.

(Less Than Significant Impact with Mitigation) This mitigation measure is being incorporated into the Specific Plan.

Impact HM-1: Soil and/or groundwater in the project area may be contaminated by hazardous materials that could be disturbed, exposed, or released due to development and redevelopment in the project area.
(Significant Impact)

MM HM-1.1: A Phase I Environmental Site Assessment shall be required for all properties proposed for redevelopment with residential uses where previous uses include industrial, commercial or agricultural use. If warranted, a Phase II Environmental Site Assessment shall be prepared which identifies specific remediation measures required to ensure the site is suitable for residential development.

This mitigation measure is being incorporated into the Specific Plan.

MM HM-1.2: If remediation activities are required on any parcel within the Specific Plan project area, these activities shall be carried out in accordance with a Remediation Plan prepared to address the findings of the Phase II Environmental Site Assessment. The Remediation Plan shall specify the cleanup levels that will be applied and the anticipated regulatory agency responsible for oversight. Potential

impacts associated with the remediation activities, such as air and health impacts associated with excavation activities, transportation impacts from removal or remedial activities, and risk of upset in the event of an accident at the site or during transport of contaminated soil shall also be addressed to ensure no significant impacts from implementation of the Remediation Plan. **This mitigation measure is being incorporated into the Specific Plan.**

MM HM-1.3: The Central Coast Regional Water Quality Control Board (RWQCB) and County of Santa Clara Department of Environmental Health Local Oversight Program (LOP) are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. In accordance with the Fuel Leak Site Case Closure for Unocal #6169 (Case No. 14-668, SCVWDID No. 09S3E28C03f), the County, RWQCB, and the Community Development Department shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells on the Unocal 76 station parcel of Block 14. A Clearance Letter from either of these agencies outlining site history and any requirements for cleanup or handling of residual contamination shall be submitted to the Community Development Director prior to the issuance of a site development permit. **This mitigation measure is being incorporated into the Specific Plan.**

MM HM-1.4: The Central Coast Regional Water Quality Control Board and County of Santa Clara Department of Environmental Health Local Oversight Program are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. Prior to the issuance of a site development permit on Block 20, a Clearance Letter from either of these agencies outlining site history and requirements for cleanup or handling of residual hydrocarbon contamination on the site shall be submitted to the Community Development Director.

(Less Than Significant with Mitigation) This mitigation measure is being incorporated into the Specific Plan.

Impact BIO-1: Tree removal during the nesting season could impact protected tree-nesting raptors. Any loss of fertile bird eggs, or individual nesting birds, or any activities resulting in nest abandonment during construction, would constitute a significant impact. **(Significant Impact)**

MM BIO-1.1: Removal of trees in the Specific Plan area could be scheduled between September and December (inclusive) to avoid the raptor nesting season and no additional surveys would be required.

This mitigation measure is being incorporated into the Specific Plan.

MM BIO-1.2: If removal of the trees on-site would take place between January and August (inclusive), a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity. The applicant shall submit a report indicating the result of the pre-construction survey and any designated buffer zones to the satisfaction of the Community Development Director. **(Less Than Significant Impact with Mitigation) This mitigation measure is being incorporated into the Specific Plan.**

CUMULATIVE IMPACTS

Impact C-TRANS-1: The proposed project, along with other pending General Plan amendments, would result in significant cumulative impacts to three signalized intersections and one unsignalized intersection. **(Significant Cumulative Impacts)**

MM C-TRANS-1.1: Monterey Road/Main Avenue. The combination of cumulative traffic from all of the proposed projects and from implementation of the Project Alternate to narrow Monterey Road to one lane in each direction would cause the intersection to operate at LOS F during the AM and PM peak hours. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach of Monterey Road would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a shared through-right lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue.

The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. **(Significant Unavoidable Impact)**

MM C-TRANS-1.2: Monterey Road/Dunne Avenue. The addition of cumulative traffic and the narrowing of Monterey Road would degrade the intersection operations from LOS D+ to LOS D during the PM peak hour. This intersection requires an eastbound right-turn overlap phase, and a southbound approach with a left-turn lane, through lane and shared through-right lane to operate acceptably (LOS D+ or better) and reduce the project's contribution to this cumulatively significant impact. These improvements (two southbound through lanes at this intersection) would conflict with narrowing of Monterey Road and the installation of traffic calming and pedestrian improvements evaluated as the project alternate.

One of the City's goals for the proposed Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and traffic calming measures. This mitigation is not consistent with the priority of reducing vehicle speeds on Monterey Road and is not proposed by the project. During a future Monterey Road streetscape planning process, the City of Morgan Hill should explore the feasibility and desirability of incorporating this mitigation measure, to retain additional lanes in the block of Monterey Road, between Dunne Avenue and Fifth Street.

(Significant Unavoidable Cumulative Impact)

MM C-TRANS-1.3: Main Avenue and Butterfield Boulevard. The addition of cumulative traffic at this location would degrade the intersection operations from LOS C- and LOS D+ to LOS D during the AM and PM peak hours, respectively. This intersection requires a second northbound left-turn to operate acceptably. However, this improvement may require right-of-way from the northwest and southeast corners of the intersection, and physical constraints exist along the east side of Butterfield Boulevard due to the open canal. Overall, the implementation of a second northbound left-turn lane is considered physically feasible and would mitigate this impact to a less than significant level. The City of Morgan

Hill will monitor this intersection and implement this measure at such time, based on monitoring of LOS and anticipated traffic from approved developments, that the intersection will degrade below an acceptable level of service. **(Less Than Significant Cumulative Impact with Mitigation) This mitigation measure is being incorporated into the Specific Plan.**

MM C-TRANS-1.4: Dunne Avenue and Del Monte Street. The addition of cumulative traffic at this location would degrade intersection operations from LOS B to LOS E and LOS F during the AM and PM peak hours, respectively. The peak-hour traffic volumes at this intersection would meet the peak-hour signal warrant during the PM peak hour and installation of a traffic signal would mitigate the impact at this intersection and provide LOS C (20.6 seconds of average delay) and LOS C+ (20.8 seconds of average delay) operations during the AM and PM peak hour. The City of Morgan Hill will monitor this intersection and implement this measure at such time, based on monitoring of LOS and anticipated traffic from approved developments, that the intersection will degrade below an acceptable level of service. **(Less Than Significant Cumulative Impact with Mitigation) This mitigation measure is being incorporated into the Specific Plan.**

SECTION 7. The City Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit "B".

SECTION 8. The City Council hereby adopts a Statement of Overriding Considerations based on substantial evidence in the record, attached hereto as Exhibit "C", addressing the specific benefits of the project that outweigh those significant environmental effects identified in the Final Master EIR which are not avoided or substantially lessened to a less-than-significant level through the adoption of feasible mitigation measures.

SECTION 9. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 10. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____ 2009, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____, 2009 AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

❧ CERTIFICATION ❧

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the _____ day of _____, 2009.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

EXHIBIT "A"

**DOWNTOWN SPECIFIC PLAN AND ASSOCIATED
GENERAL PLAN AND ZONING DESIGNATION AMENDMENTS**

EXHIBIT "A"

DOWNTOWN SPECIFIC PLAN AND ASSOCIATED GENERAL PLAN AND ZONING DESIGNATION AMENDMENTS

SUMMARY DESCRIPTIONS OF RELEVANT DTSP GENERAL PLAN LAND USE DESIGNATIONS AND ASSOCIATED ZONING CLASSIFICATIONS:

DTSP GENERAL PLAN LAND USE DESIGNATIONS		ASSOCIATED DTSP ZONING DESIGNATION
RESIDENTIAL ESTATE	(0 – 1 DU/ACRE)	RE – RESIDENTIAL ESTATE: 0 – 1 DU/ACRE
MULTI-FAMILY LOW	(5 – 14 DU/ACRE)	R2 – MEDIUM DENSITY RESIDENTIAL 5 – 14 DU/ACRE
MULTI-FAMILY MEDIUM	(14 – 21 DU/ACRE)	D-R3 – DTSP MEDIUM DENSITY RESIDENTIAL 14 – 21 DU/ACRE
CU OVERLAY DISTRICT	ZONING OVERLAY TO ALLOW COMMERCIAL USE OF AREA DESIGNATED MULTI-FAMILY MEDIUM WITH COMMERCIAL ADMINISTRATIVE USE PERMIT, FOR BLOCK 20 EXISTING COMMERCIAL USES	
MULTI-FAMILY HIGH	(21 – 40 DU/ACRE)	D-R4 – DTSP HIGH DENSITY RESIDENTIAL 21 – 40 DU/ACRE
MIXED USE-CBD	(NO MIN / NO MAX DENSITY)	CBD – CENTRAL BUSINESS DISTRICT
GFO OVERLAY DISTRICT	ZONING OVERLAY TO REQUIRE GROUND FLOOR RETAIL USES WITHIN SPECIFIED AREAS OF PARCELS FRONTING MONTEREY RD. AND THIRD ST; NON-RETAIL ONLY ALLOWED WITH DOWNTOWN ADMINISTRATIVE USE PERMIT	
MIXED USE	(8 – 20 DU/ACRE)	CC-R – CENTRAL COMMERCIAL-RESIDENTIAL 8 – 20 DU/ACRE
COMMERCIAL		CG – GENERAL COMMERCIAL (only placed on existing "Mama Mia's site)
OFFICE INDUSTRIAL		CO – ADMINISTRATIVE OFFICE (only on 2 parcels adj. to Butterfield/E.Dunne)
INDUSTRIAL		ML – LIGHT INDUSTRIAL (within 20 blocks, only placed on UP railroad parcels)

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CHART OF PROPOSED GENERAL PLAN AND ZONING DESIGNATION CHANGES

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
BLOCK 1: (PARCELS WITHIN BLOCK BOUNDED BY EAST MAIN AVENUE, DEPOT STREET, EAST FIRST STREET AND MONTEREY ROAD)				
72614041	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614042	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614043	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614044	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614045	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614046	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614047	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614048	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614049	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614050	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614051	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614052	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614053	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614054	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614055	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614056	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614057	Mixed Use	Mixed Use-CBD	CC-R	CBD
BLOCK 2: (PARCELS WITHIN BLOCK BOUNDED BY EAST FIRST STREET, DEPOT STREET, EAST SECOND STREET AND MONTEREY ROAD)				
72614019	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614020	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614021	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614022	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614023	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614024	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614025	Mixed Use	Mixed Use-CBD	CC-R	CBD (removing PUD)
72614026	Mixed Use	Mixed Use-CBD	CC-R	CBD (removing PUD)
72614027	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614028	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
72614029	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614030	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614031	Mixed Use	Mixed Use-CBD	CC-R	CBD (removing PUD)
72614032	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614033	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614034	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614035	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614036	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614037	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614038	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614039	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614040	Mixed Use	Mixed Use-CBD	CC-R	CBD

BLOCK 3: (PARCELS WITHIN BLOCK BOUNDED BY EAST SECOND STREET, DEPOT STREET, EAST THIRD STREET AND MONTEREY ROAD)

72614001	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614002	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614003	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614004	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614005	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614006	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614007	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614008	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614009	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614010	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614011	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614012	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614013	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614014	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72614015	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614016	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614017	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614018	Mixed Use	Mixed Use-CBD	CC-R	CBD

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
BLOCK 4: (PARCELS WITHIN BLOCK BOUNDED BY EAST THIRD STREET, DEPOT STREET, EAST FOURTH STREET AND MONTEREY ROAD)				
72613032	Mixed Use	Mixed Use-CBD	CC-R	CBD (removing PUD)
72613033	Mixed Use	Mixed Use-CBD	CC-R	CBD (removing PUD)
72613034	Mixed Use	Mixed Use-CBD	CC-R	CBD (removing PUD)
72613035	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613036	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72613037	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72613038	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72613039	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72613040	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72613041	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
72613042	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO (removing PUD)
72613043	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO (removing PUD)
72613044	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO (removing PUD)

BLOCK 5: (PARCELS WITHIN BLOCK BOUNDED BY EAST FOURTH STREET, DEPOT STREET, EAST FIFTH STREET AND MONTEREY ROAD)

72613008	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613009	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613010	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613011	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613012	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613013	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613014	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613015	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613016	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613017	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613018	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613019	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613020	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613021	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613022	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613023	Mixed Use	Mixed Use-CBD	CC-R	CBD/RPD
72613024	Mixed Use	Mixed Use-CBD	CC-R	CBD/RPD

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
72613025	Mixed Use	Mixed Use-CBD	CC-R	CBD/RPD
72613026	Mixed Use	Mixed Use-CBD	CC-R	CBD/RPD
72613027	Mixed Use	Mixed Use-CBD	CC-R	CBD/RPD
72613028	Mixed Use	Mixed Use-CBD	CC-R	CBD/RPD
72613029	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613030	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613031	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613045	Mixed Use	Mixed Use-CBD	CC-R	CBD
BLOCK 6: (PARCELS WITHIN BLOCK BOUNDED BY EAST FIFTH STREET, DEPOT STREET, EAST DUNNE AVENUE AND MONTEREY ROAD)				
72613004	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613005	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613006	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613052	Public Facilities	Public Facilities	PF	D-PF
BLOCK 7: (PARCELS WITHIN BLOCK BOUNDED BY EAST MAIN AVENUE, UPRR, TERMINOUS OF EAST THIRD STREET AND DEPOT STREET)				
72614059	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614060	Mixed Use	Mixed Use-CBD	CC-R	CBD
72614061	Mixed Use	Mixed Use-CBD	CC-R	CBD
BLOCK 8: (PARCELS WITHIN BLOCK BOUNDED BY TERMINOUS OF EAST THIRD STREET, UPRR, EAST DUNNE AVENUE AND DEPOT STREET)				
72613047	Mixed Use	Mixed Use-CBD	CC-R	CBD
72613049	Mixed Use	Mixed Use-CBD	CC-R	CBD
UPRR Parcels:				
72613050	Industrial	Industrial	CC-R	ML
81701058	Industrial	Industrial	CC-R	ML
BLOCK 9: (PARCELS WITHIN BLOCK BOUNDED BY WEST MAIN AVENUE, MONTEREY ROAD, WEST FIRST STREET AND DEL MONTE AVENUE)				
76707002	Mixed Use	Mixed Use-CBD	CC-R	CBD

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
76707003	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707004	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707005	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707006	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707007	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707008	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707010	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707011	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707014	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707015	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707016	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707017	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707018	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707055	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707056	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707057	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707058	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707064	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707071	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707072	Mixed Use	Mixed Use-CBD	CC-R	CBD

BLOCK 10: (PARCELS WITHIN BLOCK BOUNDED BY WEST FIRST STREET, MONTEREY ROAD, WEST SECOND STREET AND DEL MONTE AVENUE)

76707027	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707028	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707029	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707030	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707031	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707066	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76748001	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748002	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748003	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748004	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748005	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748006	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
76748007	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748008	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748009	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748010	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76748011	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707020	Multi-Family Low	Multi-Family Low	RPD	RPD (no change)
76707021	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707022	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707023	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707024	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707020	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707034	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707035	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707036	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707037	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707038	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707039	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707040	Multi-Family Low	Multi-Family Low	R2	R2 (no change)

BLOCK 11: (PARCELS WITHIN BLOCK BOUNDED BY WEST SECOND STREET, MONTEREY ROAD, WEST THIRD STREET AND DEL MONTE AVENUE)

76707047	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707048	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707049	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707050	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76707059	Mixed Use	Mixed Use-CBD	CC-R	CBD
76707041	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707042	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707043	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707053	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707054	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707060	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707061	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76707065	Multi-Family Low	Multi-Family Low	R2	R2 (no change)

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
BLOCK 12: (PARCELS WITHIN BLOCK BOUNDED BY WEST THIRD STREET, MONTEREY ROAD, WEST FOURTH STREET AND DEL MONTE AVENUE)				
76708004	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76708006	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76708007	Mixed Use	Mixed Use-CBD	CC-R	CBD
76708044	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76708045	Mixed Use	Mixed Use-CBD	CC-R	CBD/GFO
76708007	Residential Estate	Residential Estate	RE	RE (no change)
76708001	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76708002	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
76708003	Multi-Family Low	Multi-Family Low	R2	R2 (no change)
BLOCK 13: (PARCELS WITHIN BLOCK BOUNDED BY WEST FOURTH STREET, MONTEREY ROAD, WEST FIFTH STREET AND DEL MONTE AVENUE)				
76708014	Mixed Use	Mixed Use-CBD	CC-R	CBD
76708015	Mixed Use	Mixed Use-CBD	CC-R	CBD
76708016	Mixed Use	Mixed Use-CBD	CC-R	CBD
76708017	Mixed Use	Mixed Use-CBD	CC-R	CBD
76708009	Residential Estate	Residential Estate	RE	RE (no change)
76708010	Residential Estate	Residential Estate	RE	RE (no change)
76708011	Residential Estate	Residential Estate	RE	RE (no change)
76708012	Residential Estate	Residential Estate	RE	RE (no change)
76708013	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708018	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708019	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708020	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708021	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708047	Multi-Family Low	Multi-Family Medium	R2	D-R3
BLOCK 14: (PARCELS WITHIN BLOCK BOUNDED BY WEST FIFTH STREET, MONTEREY ROAD, WEST DUNNE AVENUE AND DEL MONTE AVENUE)				
76708033	Mixed Use	Mixed Use-CBD	CC-R	CBD
76708034	Mixed Use	Mixed Use-CBD	CC-R	CBD
76708046	Mixed Use	Mixed Use-CBD	CC-R	CBD

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
76708024	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708025	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708026	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708027	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708028	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708029	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708035	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708036	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708037	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708038	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708039	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708040	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708041	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708042	Multi-Family Low	Multi-Family Medium	R2	D-R3
76708043	Multi-Family Low	Multi-Family Medium	R2	D-R3

BLOCK 15: (PARCELS WITHIN BLOCK BOUNDED BY EAST MAIN AVENUE, BUTTERFIELD BLVD, CALTRAIN PARKING LOT AND UPRR)

72615001	Multi-Family High	Multi-Family High	R4/RPD	R4/RPD (no change)
72615003	Multi-Family High	Multi-Family High	R4/RPD	R4/RPD (no change)
72615073	Multi-Family High	Multi-Family High	R4/RPD	R4/RPD (no change)

BLOCK 16: (PARCELS WITHIN CALTRAIN PARKING LOT, BOUNDED BY BUTTERFIELD BLVD ON EAST AND UPRR ON WEST)

72615070	Public Facilities	Mixed Use-CBD	PF	CBD
72615071	Public Facilities	Mixed Use-CBD	PF	CBD

THE SPECIFIC PLAN INITIALLY PROPOSED "MULTI-FAMILY HIGH"/R-4-PLANNED DEVELOPMENT" FOR BLOCK 16, HOWEVER THE CURRENT PROPOSAL IS TO AMEND THE BLOCK TO "MIXED USE-CBD/CBD", WHICH WAS AN EIR ALTERNATIVE, AND WILL PROVIDE A BETTER MECHANISM FOR A TRANSIT-ORIENTED DEVELOPMENT THAT ALSO RETAINS THE CALTRAIN PARKING USE ON THE BLOCK, AND WOULD ALSO ALLOW OFFICES

BLOCK 17: (PARCELS SOUTH OF CALTRAIN PARKING LOT, BOUNDED BY BUTTERFIELD BLVD ON EAST, DIANA AVE ON SOUTH AND UPRR ON WEST)

72612006	Public Facilities	Public Facilities	PF	D-PF
72615072	Public Facilities	Public Facilities	PF	D-PF

APN	EXISTING GENERAL PLAN	PROPOSED GENERAL PLAN	EXISTING ZONING	PROPOSED ZONING
BLOCK 18: (PARCELS BOUNDED BY DIANA AVENUE, BUTTERFILED BLVD ON EAST, DUNNE AVE ON SOUTH AND UPRR ON WEST)				
72604006	Mixed Use	Multi-Family Medium	PUD	D-R3/PUD
72604011	Mixed Use	Multi-Family Medium	PUD	D-R3/PUD
72604012	Mixed Use	Multi-Family Medium	PUD	D-R3/PUD
72604003	Mixed Use	Commercial	PUD	CG
72604007	Mixed Use	Office Industrial	PUD	CO
72604008	Mixed Use	Office Industrial	PUD	CO

BLOCK 19: (RECTANGULAR AREA FRONTING MONTEREY AVENUE ON BRITTON SCHOOL SITE, SOUTH OF GYNMASIUM, TO KEYSTONE AVENUE)				
76415001 (portion)	Public Facilities	Mixed Use	PF	CC-R

BLOCK 20: (PARCELS BOUNDED BY WEST DUNNE AVENUE, MONTEREY ROAD, CIOLINO AVENUE AND DEL MONTE AVENUE)				
76709008	Commercial	Mixed Use	PUD	CC-R
76709009	Commercial	Mixed Use	PUD	CC-R
76709010	Commercial	Mixed Use	PUD	CC-R
76709011	Commercial	Mixed Use	PUD	CC-R
76709012	Commercial	Mixed Use	PUD	CC-R
76709015 (portion)	Commercial	Mixed Use	PUD	CC-R
76709015 (portion)	Commercial	Multi-Family Medium	PUD	D-R3/CU Overlay
76709016	Commercial	Multi-Family Medium	PUD	D-R3/CU Overlay
76709017	Commercial	Multi-Family Medium	PUD	D-R3/CU Overlay
76709018	Commercial	Multi-Family Medium	PUD	D-R3/CU Overlay
76709019	Commercial	Multi-Family Medium	PUD	D-R3/CU Overlay
76709005	Commercial	Multi-Family Medium	PUD	D-R3

THE ABOVE LAND USE AMENDMENTS ARE PROPOSED BY THE SPECIFIC PLAN AND ANALYZED IN THE EIR, HOWEVER DUE TO ECONOMIC, HOUSING AND FINANCIAL MARKET CONDITIONS, REDEVELOPMENT OF BLOCK 20 MAY BE DELAYED, AND THEREFORE AN ADDITIONAL AMENDMENT IS PROPOSED TO ALLOW FOR CONTINUED COMMERCIAL USE DURING THE TIME BEFORE REDEVELOPMENT OF THE SITE IS FEASIBLE. THE ADDITIONAL AMENDMENT IS TO ADD "COMMERCIAL USE OVERLAY" ZONING THAT ALLOWS FOR CONTINUED COMMERCIAL USE ON THE MULTI-FAMILY MEDIUM PARCELS CURRENTLY IN COMMERCIAL USE, THROUGH A COMMERCIAL ADMINISTRATIVE USE PERMIT PROCESS APPLICABLE TO THIS PORTION OF BLOCK 20. THE EIR TRAFFIC ANALYSIS DID ASSUME A "WORST CASE" OF EXISTING COMMERCIAL SHOPPING CENTER FOR TRIP GENERATION, WHICH ALLOWS FOR THIS APPROACH.

EXISTING "MIXED USE" GENERAL PLAN WITH EXISTING "CC-R" CENTRAL COMMERCIAL-RESIDENTIAL ZONING (DENSITY INCREASE): The following parcels will not change the General Plan or zoning designation, however the definitions of the designations are proposed to be amended to allow the maximum density to increase from the existing 18 units/acre maximum, to 20 units/acre maximum.

APNS TO REMAIN "MIXED USE" AND "CC-R" (OR ASSOCIATED "RDP" OR "PUD" ZONING AS APPLICABLE), AFFECTED ONLY BY DENSITY INCREASE:

AREA BOUNDED BY CENTRAL AVENUE, UPRR, EAST MAIN AVENUE, AND MONTEREY ROAD:

72623002, 72623003, 72623004, 72623005, 72623006, 72623007, 72623008, 72623009, 72623010, 72623011, 72623012, 72623013, 72623014, 72623015

AREA BOUNDED BY KEYSTONE AVENUE, MONTEREY ROAD, WEST MAIN AVENUE AND DEL MONTE AVENUE:

76416003, 76416004, 76416005, 76416006, 76416007, 76416009, 76416010, 76416011, 76416012, 76416013, 76416016, 76416017, 76416029, 76416030, 76416031, 76416033, 76416034, 76416035, 76416036, 76416037

SOUTHERLY HALF OF AREA BOUNDED BY KEYSTONE AVENUE, DEL MONTE AVENUE, WEST MAIN AVENUE AND HALE AVENUE:

76416018, 76416019, 76416020, 76416021, 76416022, 76416023, 76416028

PARCELS NORTH OF WEST MAIN AVENUE, BETWEEN CREST AVENUE AND HALE AVENUE, IN SOUTH PORTION OF BLOCK:

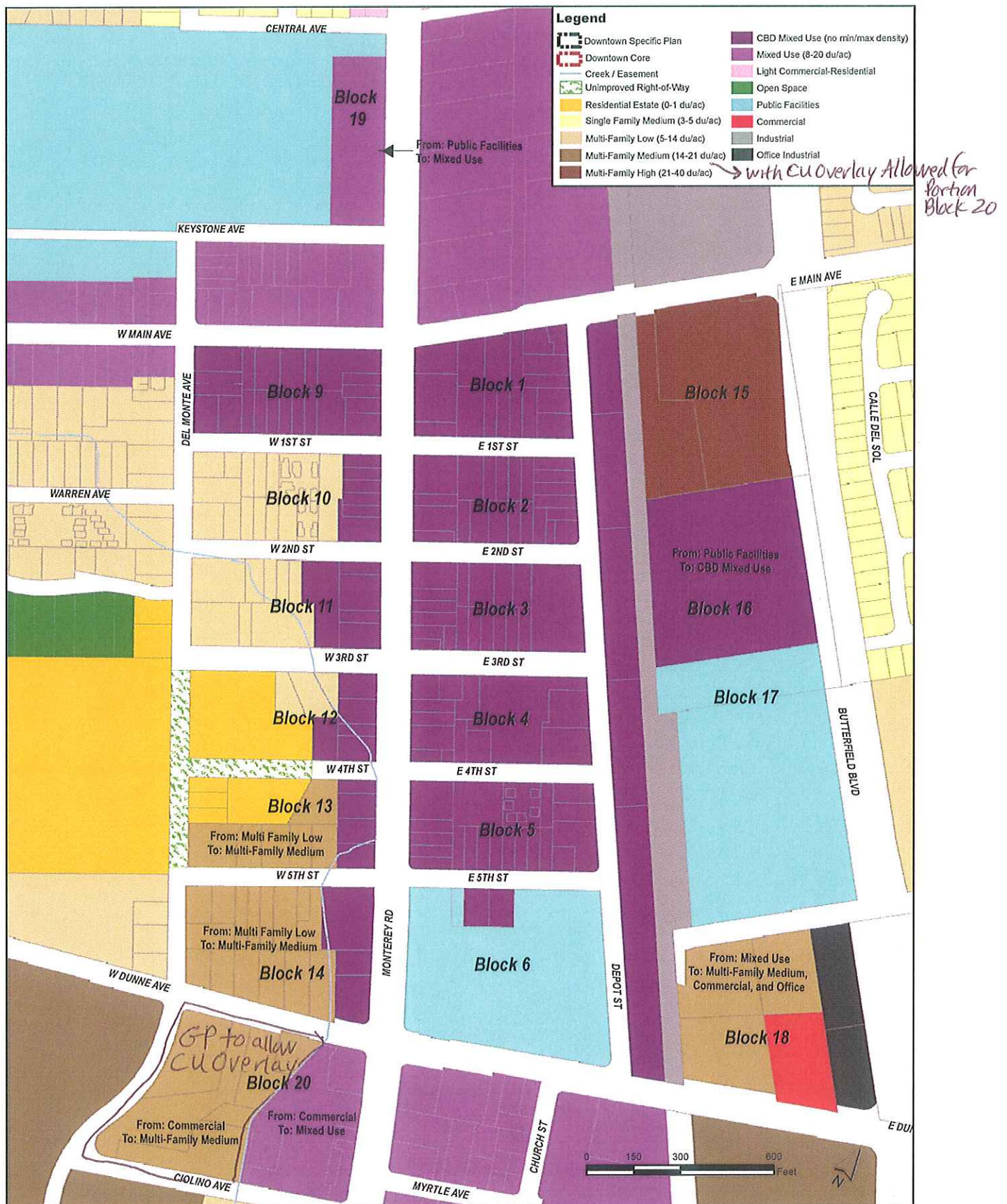
76417001, 76417002, 76417003, 76417004, 76417005, 76417007, 76417010

PARCELS SOUTH OF WEST MAIN AVENUE, BETWEEN SOUTHERLY END OF HALE AVENUE AND DEL MONTE AVENUE, IN NORTH PORTION OF BLOCK:

76705003 (portion, 76705008, 76705009, 76705025 (portion), 76705032, 76705033, 76705034, 76705037 (portion), 76705038, 76705041

PARCELS SOUTH OF EAST DUNNE AVENUE, WEST OF UPRR, NORTH OF BISCEGLIA AND EAST OF MONTEREY ROAD:

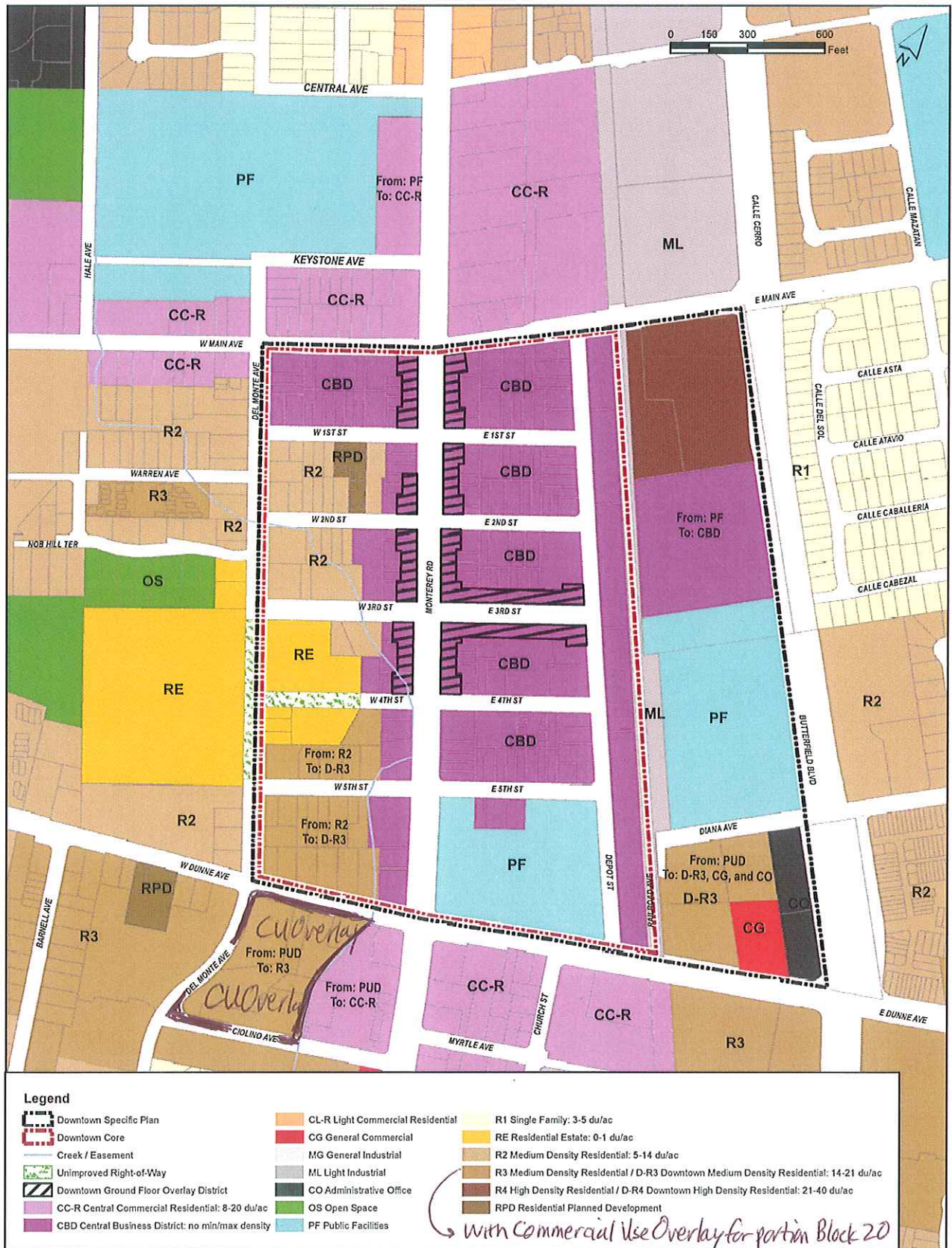
81701018, 81701019, 81701020, 81701021, 81701022, 81701026, 81701031, 81701032, 81701033, 81701034, 81701035, 81701036, 81701039, 81701045, 81701046, 81701050, 81701051, 81701053, 81701054, 81701055, 81701056, 81701057, 81701059, 81701060, 81701061, 81701062, 81701063, 81701064, 81701071, 81701072, 81701073, 81701074



Proposed General Plan Land Use Designations

Figure 4

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Proposed Zoning Designations

Figure 5

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EXHIBIT "B"

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

TO BE DISTRIBUTED PRIOR TO PLANNING COMMISSION MEETING

EXHIBIT "C"

STATEMENT OF OVERRIDING CONSIDERATIONS

TO BE DISTRIBUTED PRIOR TO PLANNING COMMISSION MEETING

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RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING ADOPTION OF THE GENERAL PLAN AND ZONING AMENDMENTS SUPPORTIVE OF THE DOWNTOWN SPECIFIC PLAN INCLUDING MODIFICATIONS TO THE DEFINITIONS OF THE "*MIXED USE*" AND "*MULTI-FAMILY MEDIUM*" AND "*NON-RETAIL COMMERCIAL*" LAND USE DESIGNATIONS; ALLOWING PARKING STRUCTURES AS A CONDITIONAL USE IN THE "*ML-LIGHT INDUSTRIAL*" ZONING DISTRICT; AND ADOPTION OF "*COMMERCIAL USE OVERLAY DISTRICT*" FOR BLOCK 20 AND A "*COMMERCIAL ADMINISTRATIVE USE PERMIT*" PROCESS FOR BLOCK 20

WHEREAS, such request was considered by the Planning Commission at its regular meeting of October 13, 2009; and

WHEREAS, testimony received at a duly-noticed public hearing, along with the proposed 2009 Downtown Specific Plan and Final Master Environmental Impact Report have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission hereby recommends that the City Council adopt the attached General Plan and Zoning Amendments supportive of the Downtown Specific Plan, including modifications to the General Plan definitions of the "*Mixed Use*" and "*Multi-Family Medium*" and "*Non-Retail Commercial*" land use designations; allowing parking structures as a conditional use in the "*ML-Light Industrial*" zoning district; and adoption of "*Commercial Use Overlay District*" for Block 20 and a "*Commercial Administrative Use Permit*" process for Block 20; based on the findings and determinations contained within the attached Resolution proposed for City Council adoption.

PASSED AND ADOPTED THIS ____ DAY OF OCTOBER 2009, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Deputy City Clerk

Chair

***PROPOSED ATTACHMENT, THE RESOLUTION
PROPOSED FOR ADOPTION BY THE
CITY COUNCIL***

***TO BE DISTRIBUTED
PRIOR TO PLANNING COMMISSION MEETING***



SUPPLEMENTAL REPORT

To: PLANNING COMMISSION

Date: October 12, 2009

From: COMMUNITY DEVELOPMENT DEPARTMENT

**Subject: SUPPLEMENTAL MATERIAL FOR DOWNTOWN SPECIFIC PLAN:
DRAFT COUNCIL RESOLUTION AND ORDINANCE REGARDING
OTHER ASSOCIATED GENERAL PLAN AND ZONING AMENDMENTS**

The attached DRAFT City Council resolution and DRAFT Ordinance are the attachments to the fourth Planning Commission Resolution in the packet for the October 13, 2009 public hearing regarding the Downtown Specific Plan.

The **DRAFT RESOLUTION** relates to various General Plan text amendments that are necessary to effectuate the policies and recommendations of the Downtown Specific Plan.

The **DRAFT ORDINANCE** primarily relates to a proposed new “Commercial Use Overlay District” and a proposed new “Commercial Administrative Use Permit”, that would be proposed for adoption over the portion of “Block 20” that is currently a commercial shopping center, but is proposed for Multi-Family Medium Residential land use designation and zoning.

The Commercial Use (CU) Overlay District is intended to allow general commercial uses to continue and to be established within the parcels over which the CU district is combined, in accordance with policies of the General Plan and/or Downtown Specific Plan, to reflect historical commercial land use of parcels that are later designated and zoned for non-commercial use. The intent is to allow the commercial uses of the parcels to continue as conforming uses, subject to the requirement for a Commercial Administrative Use Permit in accordance with Article V of Chapter 18.54 of the Municipal Code, in the interim of time that economic and market conditions are not sufficiently strong to support desired redevelopment of the site with uses that conform with the non-residential land use designation and zoning, and therefore that the historical commercial use of the subject parcels may continue in order to prevent blighting conditions that could occur if existing buildings were to be vacant for extended time periods. The longer-term land use goal for the subject parcels is that commercial uses cease or shift off of the site(s) to preferred commercial locations in accordance with the goals and land use maps of the General Plan and/or Downtown Specific Plan.

The EIR consultant will complete the proposed Mitigation Monitoring and Reporting Program (MMRP) on Tuesday, October 13th, and so the MMRP will be distributed at the Planning Commission meeting along with other EIR items: the draft Resolution certifying the FMEIR and making findings and a Statement of Overriding Consideration for those impacts considered significant and unavoidable.

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING ADOPTION OF THE GENERAL PLAN AND ZONING AMENDMENTS SUPPORTIVE OF THE DOWNTOWN SPECIFIC PLAN INCLUDING MODIFICATIONS TO THE DEFINITIONS OF THE "*MIXED USE*" AND "*MULTI-FAMILY MEDIUM*" AND "*NON-RETAIL COMMERCIAL*" LAND USE DESIGNATIONS; ALLOWING PARKING STRUCTURES AS A CONDITIONAL USE IN THE "*ML-LIGHT INDUSTRIAL*" ZONING DISTRICT; AND ADOPTION OF "*COMMERCIAL USE OVERLAY DISTRICT*" FOR BLOCK 20 AND A "*COMMERCIAL ADMINISTRATIVE USE PERMIT*" PROCESS FOR BLOCK 20

WHEREAS, such request was considered by the Planning Commission at its regular meeting of October 13, 2009; and

WHEREAS, testimony received at a duly-noticed public hearing, along with the proposed 2009 Downtown Specific Plan and Final Master Environmental Impact Report have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission hereby recommends that the City Council adopt the attached General Plan and Zoning Amendments supportive of the Downtown Specific Plan, including modifications to the General Plan definitions of the "*Mixed Use*" and "*Multi-Family Medium*" and "*Non-Retail Commercial*" land use designations; allowing parking structures as a conditional use in the "*ML-Light Industrial*" zoning district; and adoption of "*Commercial Use Overlay District*" for Block 20 and a "*Commercial Administrative Use Permit*" process for Block 20; based on the findings and determinations contained within the attached Resolution proposed for City Council adoption.

PASSED AND ADOPTED THIS ____ DAY OF OCTOBER 2009, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Deputy City Clerk

Chair

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A GENERAL PLAN AMENDMENT FOR THE DOWNTOWN SPECIFIC PLAN AND ASSOCIATED GENERAL PLAN TEXT AND MAP AMENDMENTS

WHEREAS, such request was considered by the City Council at its regular meeting of November __, 2009, at which time the City Council reviewed the proposed General Plan map and text amendments associated with the Downtown Specific Plan; and

WHEREAS, the proposed Downtown Specific Plan, other materials and the Final Master EIR; together with public comments and testimony received at a duly-noticed public hearing, have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed Downtown Specific Plan and associated general plan and zoning amendments are in general conformance with the General Plan; and the public necessity, convenience and general welfare require the adoption of the proposed Downtown Specific Plan and General Plan amendments.

SECTION 2. The proposed Downtown Specific Plan and General Plan amendments do not grant a change of land use from commercial or industrial to a residential land use for property incorporated in the urban service boundary after December 7, 1990; and the General Plan Amendment is consistent goals, policies and actions under Goal 13 of the Community Development Element related to "A vibrant, identifiable downtown", and with Goal 6 of the Community Development Element related to "Sufficient and concentrated commercial uses".

SECTION 3. A Final Master Environmental Impact Report (FMEIR) has been prepared for this project and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. On the basis of the whole record, the City Council has adopted a Resolution certifying the FMEIR prior to adopting this Ordinance, finding that the Final Master EIR has been completed in accordance with CEQA; that the Final Master EIR reflects the independent judgment and analysis of the City of Morgan Hill as lead agency; making one or more findings for each of the identified significant environmental effects of the project; and adopting a Mitigation Monitoring and Reporting Program. The City Council has also adopted a Statement of Overriding Considerations with regard to the ordinances and resolutions being adopted in association with approving the Downtown Specific Plan and associated General Plan and Zoning Amendments.

SECTION 4. The Final Master EIR has been presented to the Morgan Hill City Council, and the City Council has reviewed and considered the information contained in the

Final MEIR for the proposed 2009 Downtown Specific Plan and associated General Plan and Zoning Amendments, prior to approving the project and amendments.

SECTION 5. The Planning Commission conducted a noticed public hearing on October 13, 2009 and based on its review of the proposed project and Final Master EIR, together with public comments received, has recommended approval of the amendments.

SECTION 6. The City Council hereby approves the 2009 Downtown Specific Plan as providing the General Plan map and policies for the 18-block area included within the boundaries of the Specific Plan, by this reference incorporated herein, and also approves the associated General Plan text and map amendments as detailed by Exhibit "A" attached hereto.

PASSED AND ADOPTED THIS ____ DAY OF _____, AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

IRMA TORREZ
City Clerk

EXHIBIT "A"

GENERAL PLAN TEXT AMENDMENTS

TEXT AMENDMENT ONE. Table 2 on page 16 of the Morgan Hill General Plan shall be amended to create a new General Plan land use designation to accommodate the unique provisions established for the Central Business District, as follows:

Land Use Designation	Acres	Primary Uses	Density Range	Minimum Lot Area	Maximum Bldg Lot Coverage	Maximum Height *
Mixed Use-CBD	45	Downtown	no min/no max	3,500 sf	NA	2-story: 35' to roof plate 3-story: 45' to roof plate 4-story: 55' to roof plate

* additional height would be considered under a Planned Development (PD) rezoning

TEXT AMENDMENT TWO. Page 18 of the Morgan Hill General Plan shall be amended to delete the current 4 paragraph text description of "Mixed Use", and to substitute the following:

Mixed Use. The Mixed Use designation has two expressions: the "Mixed Use-CBD" is applied to certain Central Business District (CBD) parcels within the Downtown Specific Plan area, and the Downtown Specific Plan is adopted as the General Plan land use map, goals, policies, programs and zoning standards applicable to the Downtown. The remainder of the "Mixed Use" locations, totalling approximately 23 acres, are located in areas near downtown, and the density range provides for 8 to 20 units per acre, as implemented by the Central Commercial-Residential (CC-R) zoning district.

Also, page 22 of the General Plan shall delete the existing description of Mixed Use and shall use the above paragraph.

TEXT AMENDMENT THREE. The General Plan shall be amended to add an additional paragraph to the description of the Multi-Family Medium land use category: "Some parcels designated Multi-Family Medium are the location of existing commercial shopping uses. Where the Commercial Use Overlay District is applied as a combining zoning for such parcels, commercial uses may occur and be established such that commercial use of the parcels is allowed within the Multi-Family Medium Residential designation, and may continue as conforming uses subject to the requirement for a Commercial Administrative Use Permit in accordance with Article V of Chapter 18.54 of the Municipal Code, in the interim of time before redevelopment of the parcels with uses in conformance with the non-commercial land use regulations is feasible.

TEXT AMENDMENT FOUR. The General Plan shall be amended to add a fourth paragraph to the descriptions of Non-Residential Designations, as follows:

Commercial Use within Non-Commercial Land Use Designations. The Commercial Use (CU) Overlay District is intended to allow general commercial uses to continue and to be established within the parcels over which the CU district is combined, in accordance with policies of the General Plan and/or Downtown Specific Plan, to reflect historical commercial land use of parcels that are later designated and zoned for non-commercial use. The intent is to allow the commercial uses of the parcels to continue as conforming uses, subject to the requirement for a Commercial Administrative Use Permit in accordance with Article V of Chapter 18.54 of the Municipal Code, in the interim of time that economic and market conditions are not sufficiently strong to support desired redevelopment of the site with uses that conform with the non-residential land use designation and zoning, and therefore that the

historical commercial use of the subject parcels may continue in order to prevent blighting conditions that could occur if existing buildings were to be vacant for extended time periods. The longer-term land use goal for the subject parcels is that commercial uses cease or shift off of the site(s) to preferred commercial locations in accordance with the goals and land use maps of the General Plan and/or Downtown Specific Plan.

TEXT AMENDMENT FIVE. The Morgan Hill General Plan shall be amended, as a “clean-up” measure, to remove the terms “Non-Retail Commerical” from the text and land use map, and to instead substitute the term “Limited Commerical-Residential”, wherever those terms exist, in order to better match with the CL-R Limited Commercial-Residential zoning that has been adopted to implement this land use designation.

TEXT AMENDMENT SIX. Amend page 35 of the General Plan Community Development to add the following policy and action under Goal 9: Sufficient and concentrated commercial uses.

Policy 9i. Adopt zoning regulations that would support redevelopment with Multi-Family Medium residential use similar to the residential land uses located to the north, south and west; for the westerly portion of the existing shopping center located at the southwest corner of Dunne Avenue and Monterey Road (west of the SCVWD Creek/Easement on “Block 20” on Downtown Specific Plan land use diagrams), to reflect a land use policy goal that commercial uses cease or shift off of those parcels to preferred commercial locations in accordance with the goals and land use maps of the General Plan and Downtown Specific Plan. However, also adopt zoning regulations that would allow the historical commercial use of the parcels to continue as conforming uses in the interim of time that economic and market conditions are not sufficiently strong to support desired redevelopment of the site.

Action 9.10. Adopt a new Commercial Use Overlay District that could be combined with residential base zoning within residentially-designated areas that contain existing commercial uses, which would allow continuation and establishment of commercial uses subject to the requirement for a Commercial Administrative Use Permit. Adopt Commercial Administrative Use Permit provisions as Article V of Chapter 18.54 of the Municipal Code.

TEXT AMENDMENT SEVEN. The words “Downtown Specific Plan” shall be substituted for “Downtown Design Plan” throughout the text of the General Plan where the term is found.

GENERAL PLAN MAP AMENDMENTS

MAP AMENDMENT ONE. The Downtown Specific Plan Figure 4 shall provide the General Plan land use designations for the 18 blocks within the Plan boundaries; and shall also provide the General Plan land use designations for “Block 19” and “Block 20” as shown on the map diagram.

DRAFT

ORDINANCE NO. , NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL CREATING A COMMERCIAL USE OVERLAY DISTRICT AS AN AMENDMENT TO CHAPTER 18.46 (Conditional Zoning) AND ADDING ARTICLE V TO CHAPTER 18.54 (Conditional and Temporary Use Permits) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING COMMERCIAL ADMINISTRATIVE USE PERMITS WITHIN THE NEW COMMERCIAL USE OVERLAY DISTRICT, AND ADDING CENTRAL BUSINESS DISTRICT (CBD) TO PROVISIONS OF THE INTERIM USE PERMIT REGULATIONS

WHEREAS, the Downtown Specific Plan planning process identified that the westerly portion of the existing shopping center located at the southwest corner of Dunne Avenue and Monterey Road (west of the SCVWD Creek/Easement on "Block 20" on Downtown Specific Plan land use diagrams) would be appropriate for designation as Multi-Family Medium/R-3 (14-21 units per acre) Residential land use under the General Plan and Zoning Ordinance, similar to the residential land uses located to the north, south and west of this westerly portion of the block; and

WHEREAS, this Block 20 consists of approximately 10 acres, and it is currently designated Commercial by the General Plan, is currently zoned Planned Unit Development, and currently is developed as a shopping center with approximately 90,000 square feet of commercial uses as well as an eight-unit apartment structure; and

WHEREAS, the easterly portion of the shopping center located east of the Santa Clara Valley Water District Creek/Easement is appropriate for commercial and mixed uses, and while the existing improvements are consistent with the land use goals of the General Plan and Specific Plan, this easterly portion of Block 20 would also be consistent if residential uses were added to the ground floor commercial use of the site, and this portion has therefore been approved for a "Mixed Use" General Plan designation and CC-R Central Commercial-Residential zoning; and

WHEREAS, the City of Morgan Hill and the Morgan Hill Redevelopment Agency support the goals of the General Plan and Downtown Specific Plan to increase the amount of retail uses within the 14-block Downtown Core area, to emphasize Monterey Road and Third Street as the main commercial spines in Downtown, and to facilitate a transition of the existing commercial uses on the westerly portion of Block 20 to alternate locations in conformance with General Plan and Downtown Specific Plan goals; and

WHEREAS, the subject "Block 20" was included within the geographic area of the May 2009 "Measure A" ballot measure, which provides that 500 dwelling units may be developed within 20 identified blocks associated with the Downtown Specific Plan, as "exempt" from the Residential Development Control System requirement that RDCS allotments be obtained.

The opportunity for residential development to occur as exempt from the RDCS further supports amending the existing Commercial/PUD designation and zoning of the portion of Block 20 west of the Santa Clara Valley Water District Creek/Easement so that multi-family residential uses are allowed to be developed on this portion of the block; and

WHEREAS, a Master Environmental Impact Report which evaluates the proposed land use amendments for Block 20 has been prepared and certified by the Morgan Hill City Council; and it is desirable to take action to amend land use designation and zoning so that the goals of the City and Redevelopment Agency are clear to property owners and developers; and

WHEREAS, while redevelopment of this area with multi-family residential uses is desirable, and it is desirable to amend land use designations and zoning to support this land use policy goal; economic, housing and financial conditions that exist in 2009 and are likely to continue for two to three years are not currently favorable toward a redevelopment of the site, and it is not desirable to create further instability for existing property owners and business owners, and is desirable to avoid possible vacancies and blight that could result from use of standard non-conforming use provisions; and

WHEREAS, in order to ensure that commercial uses may continue in operation, even if commercial spaces experience vacancies in excess of what the non-conforming use provisions of the zoning code typically allow, but to also strongly signal the land use goals of the City, the City of Morgan Hill will create a Commercial Use Overlay District that will apply to the subject portion of Block 20, whereby new or expanding commercial uses may apply for a Commercial Administrative Use Permit, to allow commercial uses to continue and to establish in the interim before redevelopment of the subject area is feasible; and

WHEREAS, at the time of this ordinance only the above-referenced properties are intended to be rezoned with the Commercial Use Overlay District, and any future additional use of the Commercial Use Overlay District would be subject to compliance with the California Environmental Quality Act for the proposed location of the overlay zoning; and

WHEREAS, it is desirable to allow public parking lots and parking structures as conditionally allowed uses in the ML – Light Industrial zoning district, in that there are parcels zoned ML adjacent to Downtown Morgan Hill, which may be desired to accommodate public parking purposes in the future; and

WHEREAS, the City of Morgan Hill has previously adopted Interim Use Permit provisions that apply within the CC-R zoning district; and

WHEREAS, the parcels previously zoned CC-R in the 14-block Downtown Core are being rezoned to the CBD – Central Business District, and in order to ensure continued applicability of the Interim Use Permit provisions within the area intended for such, it is necessary to amend the Interim Use Permit provisions to add the CBD District.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AND ENACT AS FOLLOWS:

Section 1. Chapter 18.46 of Title 18 (Conditional Zoning) is hereby amended as follows:

Create an "Article I" category label to consist of the existing provisions for (C) Conditional Zoning:

Article I: (C) Conditional Zoning.

Establish a new "Article II" to consist of the following new zoning provisions to be added to the Municipal Code:

Article II: (CU) Commercial Use Overlay District

18.46.100 Purpose

The Commercial Use (CU) Overlay District is intended to allow general commercial uses to continue and to be established within the parcels over which the CU district is combined, in accordance with policies of the General Plan and/or Downtown Specific Plan, to reflect historical commercial land use of parcels that are later designated and zoned for non-commercial use. The intent is to allow the commercial uses of the parcels to continue as conforming uses, subject to the requirement for a Commercial Administrative Use Permit in accordance with Article V of Chapter 18.54 of the Municipal Code, in the interim of time before redevelopment of the parcels with uses in conformance with the non-commercial land use regulations is feasible. Continuation of commercial uses for interim time periods is preferred over vacancies and blight that could otherwise occur; however the longer-term land use goal for the subject parcels is that commercial uses cease or shift off of the site(s) to preferred commercial locations in accordance with the goals and land use maps of the General Plan and/or Downtown Specific Plan.

18.46.110 Conditions on use of Property

In any application for a rezoning or prezoning to the CU Overlay District, the city council may restrict the use of a property to the existing use, or an identified set of uses, or to those uses established as a conditional use through the Commercial Administrative Use Permit process in accordance with Article V of Chapter 18.54 of the Municipal Code. No other conditions are imposed through the rezoning procedure; any other conditions related to on- or off-site improvements or operation of the use(s) are either on-going provisions of existing permits or Planned Development zoning that shall continue for the duration of the commercial uses, or shall be applied, as appropriate, during the Conditional Administrative Use Permit process.

18.46.120 Time Limit for Commercial Use Overlay

There shall be no definite limit for the time that the CU Overlay combining district may be placed over subject parcels, however the city council or property owners may initiate proceedings to rezone the parcels to remove the

CU Overlay or otherwise amend the zoning of the subject parcels at such time that economic and housing market conditions are such that non-commercial use of the subject parcels is determined not to be in the public interest, in that land uses consistent with the base land use designation would further the goals of the General Plan and/or Downtown Specific Plan.

Section 2. Article V (Commercial Administrative Use Permits) is hereby added to Chapter 18.54 (Conditional and Temporary Use Permits) of Title 18 (Zoning) is hereby amended to read as follows:

Article V. Commercial Administrative Use Permits

- 18.54.300 Purpose of permits.**
- 18.54.310 Application—Contents.**
- 18.54.320 Application Process.**
- 18.54.330 Evaluation, Conditions and Findings**
- 18.54.340 Expiration--Extensions**

18.54.300 Purpose of Permits. The purpose of Commercial Administrative Use Permits is to allow for General Commercial uses to continue or to establish within properties which have Commercial Use Overlay Zoning in combination with a non-residential base zoning, upon a determination that economic and market conditions are not sufficiently strong to support desired redevelopment of the subject site with uses that conform with the non-residential land use designation and zoning of the parcels, and therefore that the historical commercial use of the subject parcels may continue in order to prevent blighting conditions that could occur if existing buildings were to be vacant for extended time periods.

18.54.310 Application - Contents.

An application for a Commercial Administrative Use Permit (CAUP) shall be made by the property owner or agent thereof, on a form issued by the Community Development Department. An application shall be accompanied by the following information except as may be waived by the Community Development Director for proposed uses in existing structures:

- A. Vicinity map;
- B. Site plan;
- C. Floor plan;
- D. Building elevations for facades;
- E. Signing and landscape plan;
- F. Statement of proposed operations, including but not limited to number of employees, proposed hours of operation, and, proposed duration of proposed CAUP.
- G. Other materials as required by the Community Development Department.

18.54.320 Application Process.

A. An application for a Commercial Administrative Use Permit shall be filed with the Community Development Department, in a form prescribed by the Community Development

Director. After an application is deemed complete by the Community Development Department, such application shall be routed to affected City departments for comments.

B. The Department shall notify by mail the applicant and owners of property located within 300 feet of the proposed site of the proposed use and application for a Commercial Administrative Use Permit, at least ten days prior to the scheduled date for decision by the Department, in order to receive comments. The Department shall also notify the Chamber of Commerce, Downtown Association and other organizations with a known interest in commercial land use and/or Downtown Morgan Hill.

C. After the notice period has occurred and comments have been considered, the Community Development Director will take action on the CAUP. Appeals of the decision of the Community Development Department shall be filed within 10 days, and appeals shall be considered by the Planning Commission at a noticed public hearing. Appeals of the decision of the Planning Commission shall be filed within 10 days, and appeals shall be considered by the City Council at a noticed public hearing. The decision of the City Council shall be final.

18.54.330 Evaluation, Conditions and Findings.

Evaluation. The Community Development Director or designee shall evaluate the application for consistency with the following criteria:

1. The suitability of the site and building for the proposed use;
2. The impact of the use on the surrounding properties;
3. The impact of the use on traffic circulation and planned capacity of the street system.
4. The compatibility of the use and design with adjacent uses within the district and its surroundings;
5. Whether the use will adversely affect the peace, health, safety, morals or welfare of persons residing or working in the vicinity of the use;
6. Whether the use will impair the utility or value of property of other persons located in the vicinity of the site;
7. The applicability and conformity of the use with provisions of Chapter 8.40, hazardous materials, as existing or hereafter amended;
8. Review of the building with regard to suitability of design and location for accommodation of the proposed commercial use(s);
9. Whether the use will provide a public benefit to the City and its citizens.
10. Vacancy rate for commercial buildings in the Downtown core and other commercial shopping centers.

Conditions. The Community Development Director may impose reasonable conditions on an approval of a Commercial Administrative Use Permit. Conditions may include, but shall not be limited to, conditions requiring a review of the use at some future time or upon certain triggering event(s); conditions providing for expiration of the CAUP at some future time or upon certain triggering event(s); conditions imposing requirements for site maintenance and/or improvements; conditions requiring installation and maintenance of landscaping, regulation of vehicular ingress and egress, traffic circulation, regulation of signs, establishment of development schedules or time limits for performance or completion, and/or any other conditions as deemed necessary by the Community Development Director.

Findings. Approval of and issuance of the Commercial Administrative Use Permit shall be subject to the Community Development Director making the following findings:

1. The site is suitable and adequate for the proposed use;
2. The proposed use and design would not have a substantial adverse effect on traffic circulation and the planned capacity of the street system;
3. The proposed use at the location requested will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area;
4. The proposed use at the location requested will not impair the utility or value of property of other persons located in the vicinity of the site; and
5. The proposed use at the location requested will not be detrimental to the public health, safety or general welfare; and
6. The permitted duration of the CAUP is of an extent that will not impede viable and feasible efforts to redevelop the site in accordance with the base zoning of the parcel(s).

18.54.340 Expiration--Extensions.

A. Approval of a Commercial Administrative Use Permit shall be valid for from one (1) to three (3) years from the date of approval, as determined by the Community Development Director.

B. The approval may be extended one or more times by the Community Development Director for from one (1) to three (3) years for each extension, upon the applicant requesting in writing such extension and paying the established fee. An application for an extension may be submitted no sooner than nine months from the expiration date of the previously approved Commercial Administrative Use Permit. The application process, including public noticing and appeals, shall occur in accordance with Sections 18.54.310 and 18.54.320. Approval of a Commercial Administrative Use Permit extension shall be subject to the Community Development Director making the required findings in Section 18.54.330. The Community Development Director may impose reasonable conditions on duration and approval of a Downtown Administrative Use Permit as outlined in Section 18.54.330. Conditions imposed on an extension may be different from the conditions imposed on the originally approved Commercial Administrative Use Permit.

Section 3. Article III (Interim Use Permits) of Chapter 18.54 (Conditional and Temporary Use Permits) of Title 18 (Zoning) is hereby amended in the following sections and paragraphs to read as follows:

18.54.200 Purpose of permits. The purpose of Interim Use Permits is to allow non-profit entities which demonstrate the existence of a public benefit, and which lease space within the **Central Business District (CBD) or Central Commercial-Residential (CC-R) District** on an interim basis, to defer certain and on-site improvements. Development impact fees shall not be deferred or waived under this article. Only non-profit entities that engage in uses which are permitted or conditionally permitted in the **Central Business District (CBD) or Central-Commercial-Residential (CC-R) district** may apply for an interim as defined by this article.

18.54.220(C) (2):

2. The impact of the use on the surrounding properties, and on the Central Business District (CBD) or CC-R District in general.

Section 4. Section 18.36.030(C), under Conditional Uses of the ML Light Industrial Zoning District, shall be amended to read as follows:

C. Public or quasi-public uses of an educational, vocational or recreational nature; or public parking lots or structures;

Section 5. Severability. Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 6. Effective Date; Posting. This ordinance shall take effect thirty (30) days after its second reading. This ordinance shall be posted at City Hall.

This ordinance was introduced at a meeting of the City Council held on the ____ day of _____, _____, and adopted at a meeting held on the ____ day of _____, _____, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

CERTIFICATE OF THE CITY CLERK

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ____ day of _____, 2009.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk